Acta Apostolicae Sedis

Volume VII (1915)
Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
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Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 5*]

January 15, 1915, Year VII - Vol. VII, No. 1. *ACTA APOSTOLICAE SEDIS*, Official Commentary. ACTA OF POPE BENEDICT XV, BY PAPAL ACT, CONCERNING THE ROMAN ACADEMY OF SAINT THOMAS.

POPE BENEDICT XV.

Not long after the publication of the Encyclical Letter *Aeterni Patris* concerning Christian philosophy, in accordance with the mind of the Angelic Doctor, Our Predecessor, the blessed Pope Leo XIII, on October 15, 1879, addressed Antoninus, Cardinal of the Holy Roman Church, Prefect of the Sacred Congregation for the Propagation of the Faith, with letters in which he established an Academy in the city of Rome, dedicated to the same saintly man, and distinguished by his patronage, for the promotion and propagation of the doctrine of Saint Thomas Aquinas. For, as He understood, considering and experiencing, that the greatest evil, which "is generated against the Church itself and against human society," could "be more quickly and happily, with God's help, corrected than by means of correct principles of knowledge and action through philosophical disciplines restored to their proper place; and therefore, for the highest good of the whole cause, it was necessary to revive philosophy soundly and everywhere"; especially, as is plain, in the chief city of the Catholic name, where the ACTA has its domicile and seat.

[*Latin ed. p. 6*]

Acts of the Apostolic See - Official Commentary 6. The Pontiff, for the benefit of young clerics eager to learn, which is commonly celebrated from all parts of the world, therefore ought to excel above all others in the praise of the best institutions and disciplines. Therefore, the most wise Pontiff in Rome, as we have said, having embraced the Academy founded by himself with all grace, endowed it with revenues, adorned it with benefits, and increased it with privileges, of which the most important is that he might grant his students the doctorate, who, having completed the common course of philosophy, then attend the schools of the sacred city of Rome, established for the perfection of studies, and who, in academic gatherings, explore with fruitful results, having attended for two years. But after a sufficient time had passed since the founding of the Academy, and during that time, the matters for which it was instituted, whether by writing to be published on certain days, or by public philosophical sermons and discussions, or by providing hope for the sustenance of students, had made considerable progress, by apostolic letters, on the ninth day of May, 1837, Leo thoroughly approved the laws and statutes of the Academy. This useful institution was also highly approved by Our Predecessor of blessed memory, Pius X, through apostolic letters, dated January 23rd of the year

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1904, in which, in order to defend religious knowledge against recent errors, and especially against Neorationalism, or that which is called Modernism, and to follow Thomas, whatever Leo had done for the Academy with his authority, he confirmed. We, however, as equally as Our Predecessors, are convinced that we must work only for that philosophy which is according to Christ (Colossians II, 8), and therefore, the study of that very philosophy requires, in its entirety, the principles and reason of Aquinas, so that it may be fully explained, as far as is permissible by human reason, and the defense of the divinely revealed truth be invincible.

[*Latin ed. p. 7*]

From the acts of Pope Benedict XV, number 7, concerning truth, We desire it to be known that this Academy of Saint Thomas is a matter of concern to Us, no less than to those [others]. Therefore, with this purpose in mind, that it may flourish more and more, and exist more fruitfully each day, We have prescribed certain new regulations concerning studies, discussions, and all experiments, which will instruct the students, so that they may either merit the degree of Doctor, or be admitted to the number of members of the Academy: these regulations We have already approved and now present them here. Henceforth, three Most Eminent Cardinals will preside over the Academy; of whom the first shall always be the Prefect of the Sacred Congregation, in charge of governing its studies, for the time being. Finally, so that no means may be lacking to foster the zeal of the members and students, We order that something be set aside from the revenues of the Academy, to be determined by its presidents, which shall be distributed to all, in place of prizes. These, however, which are Our Motu Proprios, We wish to be observed faithfully, notwithstanding any contrary provisions. And We are confident that, as the Lord of sciences, through the intercession of the Angelic Doctor, He will bring about the growth of Catholic doctrine. Given at Rome, near Saint Peter's, on the eighteenth day of December, in the year 1914, in the first year of Our Pontificate. BENEDICT XV, POPE.

[*Latin ed. p. 8*]

Acts of the Apostolic See - Commentary 8. OFFICIAL DECREE: PRAYERS FOR PEACE TO BE SAID ON CERTAIN DAYS. His Holiness Pope Benedict XV, grieved by the devastation of wars which destroy young lives, plunge families and cities into desolation, and ravage flourishing nations; considering that the Lord, who corrects and heals, and who is moved by the prayers of contrite and humbled hearts; while urging and exhorting the clergy and the people to perform some act of expiation for the sins which provoke the just chastisements of God, has decreed that throughout the entire Catholic world, humble prayers be offered to the Lord to obtain, through His mercy, the desired peace. Therefore, His Holiness orders that in each metropolitan church, cathedral, parish church,

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and regular church in Europe, on the coming 7th of February, the Sunday of Sexagesima, and in the dioceses outside of Europe, on the 21st of March, the Sunday of the Passion, appropriate ceremonies be celebrated in the following order: In the morning, after the conventual or parish Mass, the Most Holy Sacrament shall be solemnly exposed, and after incense has been offered, the Psalm 50, *Miserere mei, Deus*, shall be sung, followed by the antiphon: *Da pacem, Domine, in diebus nostris, quia non est alius qui pugnet pro nobis nisi tu, Deus noster; tua, et abundantia in Deo, a quo turbas col tuis, ita*. And *Fiat pax in virtute*. The *Oratio pro pace: sancta desideria, etc.*. The Most Holy Sacrament shall remain exposed for public adoration throughout the day; and it is desirable that even the children participate proportionately. In the evening, before the removal of the Most Holy Sacrament, the Holy Rosary shall be recited, and then the united prayer composed by His Holiness to obtain peace. The Litany of the Saints shall follow, according to the order prescribed for the Forty Hours devotion in the typical Roman Ritual of 1913. Immediately after.

[*Latin ed. p. 9*]

9. In the Litany, if it is sung, the following shall be said: "Spare us, O Lord, spare thy people; be not angry with us forever," along with the verses and prayers customarily recited after the procession in times of tribulation, as found in the Roman Ritual, and to these shall be added the prayer for peace: "O God, from whom all holy desires, etc." The function shall be concluded with the blessing of the Most Holy Sacrament as usual. Furthermore, that the Lord may more abundantly pour forth His grace, the Supreme Pontiff exhorts the faithful to approach, on this occasion, the Sacrament of Penance and to receive the Most Holy Eucharist, granting to all those who, having confessed and received Holy Communion, shall attend the morning or evening functions, a plenary Indulgence, to be availed of for a certain period of time before the Most Holy Sacrament is reposed. From the Vatican, January 10, 1915. PIETRO CARDINAL GASPARRI, Secretary of State.

PRAYER:

In these times of horror, as nations and peoples are overwhelmed by war, we take refuge, O Jesus, as our supreme solace, in Your most beloved Heart; from You, O God of mercies, we implore, with lamentations, the cessation of this immense scourge; from You, O King of peace, we hasten, with prayers, the longed-for peace. From Your divine Heart, You have radiated charity into the world, that, with all discord removed, love alone might reign among men; while You were on this earth, You felt the throbbing of most tender compassion for human misfortunes. Therefore, O Lord, may Your Heart also be moved in this hour, so grievous to us, filled with such hateful animosities and such horrible massacres! Have mercy on so many mothers, anguished by the fate of their children; have mercy on so many families, orphaned of their head; have mercy on the wretched Eu-

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rope, upon which so much ruin weighs! Inspire in rulers and peoples counsels of mildness, reconcile the disagreements that tear apart the nations, and may men return to giving one another the kiss of peace, You, who, at the price of Your Blood, made them brothers. And as the Apostle Peter once cried out:

[*Latin ed. p. 10*]

10 Acta Apostolicae Sedis - Commentarium Officiale. "Salva nos, Domine, quia perdimur," respondit piemente, placans mare in tempestate; ita etiam hodie, ad preces nostras fiduciales, respondens placide, redinte tranquillitatem et pacem mundo commoto. Tu quoque, o Sanctissima Virgo, sicut in temporibus tribulationum horribilium, adjuva nos, protege nos, salva nos. Sic sit.

VERSIONES AUTHENTICAE I DÉCRET. Affligens ad aspectum belli quod tamquam multas iuventudes triturat, familias et civitates in desolationem iacit, et gentes florentes in turbinem suum trahit; considerans quod Dominus, qui castigando sanat et ignoscendo conservat, movetur a prece cordium contritorum et humiliatorum; cupiens ut vox fidei, spei et caritatis, quae solae divinam vim habent ad homines in unum cor et unam animam coniungendi, claretur altius quam clangor armarum; - Sanctitas Beatissima Benedictus XV, invitans, hortatur clerum et populum ad opera mortificationis ut expiant peccata quae justa castigationes Dei provocant: et simul, decrevit ut, in toto orbe catholico, humiles prectiones Deo offerantur ut ex eius misericordia desiderata pax obtineatur. Ad hoc finem, Sanctitas Beatissima iubet ut, die Dominica Sexagesimae, die 7 Februarii proxime venturi, pro Europa, - et, pro omnibus reliquis dioecesibus mundi, die Dominica Passionis, die 21 Martii, - in omnibus ecclesiis metropolitanis, cathedralibus, parochialibus, et in omnibus religiosorum, celebrationes speciales habeantur, regulatae modo sequenti: Mane, post Missam conventualem vel parochialem, Sanctissimum Sacramentum sollemniter exhibeatur. Incensum effecto, cantetur Psalmum 50: "Miserere mei, Deus," sequente hymno: "Da pacem, Domine, in diebus nostris, quia non est alius qui pugnet pro nobis nisi tu, Deus noster," cum "Fiat pax in virtute tua, R" et "Et abundantia in turribus tuis," et "Orationem pro pace: Deus, a quo sancta desideria, etc." Sanctissimum Sacramentum deinde maneat expositum ad adorationem publicam totum diem, et desideratur ut pueri participent, quantum conveniens.

[*Latin ed. p. 11*]

11. *Acta Benedicti PP. XV*. Vespera, antequam expositionem Sanctissimi Sacramento finiretur, Rosarium recitatur, et deinde oratio quae sequitur, quam Sanctissimus Pontifex ipse composuit, ut pacem impetraret. Deinde cantabuntur Litaniae Sanctorum, secundum ordinem praescriptum pro expositione XL horarum in Rituali Liturgico Romano

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anno 1913. Statim post Litanias, cantabitur: *"Parce, Domine, parce populo tuo; ne in aeternum irascaris nobis"*, et versuum cum orationibus quae consuevit recitari post processionem *"in quacumque tribulatione"*, sicut in Rituali Romano, addita oratione *"Deus, a quo sancta desideria..."*. Ceremonia terminabitur cantu *"Tantum ergo"* et benedictione Sanctissimi Sacramento, *"more solito."* Ut, autem, Dominus gratias suas abundantius effundat, Sanctissimus Pontifex fidelibus hortatur ut, hac occasione, ad Sacram Penitentiam se affligant et Sacram Eucharistiam accipiant. Indulgentiam plenariam concedit omnibus qui, confessi et communicati, ad ceremonias matutinas aut vespertinas assistant, aut pro certo tempore coram Sanctissimo Sacramento exposito orabunt. Ab Urbe Vaticana, die 10 Ianuarii, 1915.

PIETRUS CARDINAL GASPARRI, Secretarius Status.

ORATIO.

Tristati sumus horribilibus quae geruntur in bello, qui nationes et populos in turbinem suum trahit, ad Vos, Jesu, refugimus, in Cordem vestrum, quod est plenum amoris, ut in supremo asylum. A Vobis, Deus misericordiae, lamentationes nostras implorant cessationem hujus terribilis pestis; a Vobis, Rex pacificus, vota nostra desiderium pacis reditum impetrant. Ex Corde vestro divino, caritatem in mundum effundatis, ut, omnis discordia cessante, amor solus inter homines regnet; dum vitam mortalem hic in terra habitabatis, Cor vestrum compassione tenerrima palpitabat pro calamitatibus humanis. O! ut Hoc Cor, nunc, in hoc tempore, quod nobis odia funesta et carnifex horribiles implet, adhuc commoveatur!

[*Latin ed. p. 12*]

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Have pity on so many mothers, anguished for the fate of their sons; have pity on so many families, orphaned of their head; and finally, have pity on the unfortunate Europe, threatened by such a vast ruin! Inspire in the rulers and the peoples the counsel of gentleness, resolve the conflicts that tear apart the nations, and let men once again give one another the kiss of peace, You who, at the price of Your Blood, have made them brothers. And just as, one day, to the supplicating cry of the Apostle Peter: "Save us, O Lord, we perish," You responded with mercy, calming the tempest of the sea: so too, today, to our confident prayers, respond with forgiveness, restoring tranquility and peace to the world that is in turmoil. And you also, O Most Holy Virgin, as You did in other times of terrible trials, help us, protect us, and save us. Thus be it.

II. His Holiness, our Sovereign Lord, Pope Benedict XV, deeply grieved by the sight of a war which destroys thousands of young lives, brings misery to families and cities, and rushes flourishing nations to the brink of ruin, yet remembering that Almighty God, Whose prerogative it is to heal

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by chastisement and through pardon to preserve, is moved by the prayers that spring from contrite and humble hearts, ardently desires that above the clamor of arms may be heard the voice of Faith, Hope, and Charity, alone capable of uniting the hearts of men in one mind and one spirit. Therefore, while He exhorts the clergy and the faithful of the whole world to works of mortification and piety in expiation for the sins by which we have called down upon ourselves the just wrath of God, the Holy Father has decreed that throughout the Catholic Church, solemn prayers shall be offered in order to obtain from the mercy of Almighty God the peace which all desire. For this purpose, it is hereby decreed that in every Metropolitical, Cathedral, Parochial, and Conventual Church in all European countries, on the 2nd day of February next (being the Sunday called Sexagesima), and in all dioceses situated outside of Europe on the 21st day of March (being Passion Sunday), there shall be celebrated special religious functions in the following order:

[*Latin ed. p. 14*]

14 Acta Apostolicae Sedis - Official Commentary. Scourge; O King of Peace, we humbly implore the peace for which we yearn. From Thy sacred Heart Thou didst pour forth over the world divine charity, so that discord might cease and love alone might reign among men. During Thy life on earth, Thy Heart beat with tender compassion for the sorrows of men; in this hour made terrible with burning hatred, with bloodshed, and with slaughter, may Thy divine Heart once more be moved to pity. Pity the countless mothers in anguish for the fate of their sons; pity the numberless families now bereaved of their fathers; pity Europe over which such havoc and disaster brood. Inspire rulers and peoples with counsels of meekness; heal the discords that tear the nations asunder; Thou Who didst shed Thy Precious Blood that they might live as brothers, bring men together once more in loving harmony. And as once before to the cry of the Apostle Peter: "Save us, Lord, we perish," Thou didst answer with words of mercy and didst still the raging waves, so now deign to hear our trusting prayer, and give back to the world peace and tranquility. And you, O most holy Virgin, as in other times of great distress, be now our help, our protection, and our safeguard. Amen.

III DECREE. His Holiness Pope Benedict XV views with deep sorrow the horrors of war, which, like a mighty storm wind, has broken forth and now carries away the lives of young people, plunges families and cities into deepest mourning, and shakes the most flourishing peoples in their very foundations. The Holy Father knows well that God the Lord, who heals through chastisement and preserves through forgiveness, is moved by the prayers of hearts that are crushed and humbled. Therefore, His Holiness invites the clergy and the people, and earnestly exhorts them to perform works of penance, in order to atone for the sins that provoke God's just pun-

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ishment, and decrees that, throughout the Catholic world, fervent prayers be offered from humble hearts, in order to obtain, through God's mercy, the desired peace. For this purpose, the Holy Father orders that, in the metropolitan and cathedral churches, as well as in all parish and monastic churches...

[*Latin ed. p. 15*]

The Acts of Pope Benedict XV, January 7, 15, concerning the observance of the feast in dioceses both within and outside of Europe, on March 21, the Sunday of the Passion, are as follows: After the Convent or Parish Mass, in the morning, the Most Holy Sacrament shall be solemnly exposed, and after the incensation, Psalm 50, "Miserere mei, Deus," shall be sung, with the following antiphon: "Da pacem, Domine, in diebus nostris, quia non est alius qui pugnet pro nobis nisi tu, Deus noster," and the versicle and response, "Fiat pax in virtute tua, et abundantia in turribus tuis," as well as the oration for peace: "Deus, a quo sancta desideria..." The Most Holy Sacrament shall remain exposed for public adoration throughout the day, and it is to be desired that the children also participate in this devotion in an appropriate manner. In the evening, before the Most Holy Sacrament is reposed, the Holy Rosary shall be recited, and the enclosed prayer, which the Holy Father himself composed, shall be performed, to implore peace. Then, the Holy Litany shall be sung, as prescribed in the typical edition of the Roman Ritual of 1913 for exposition during the Forty Hours devotion. Immediately after the Litany, sing: "Parce, Domine, parce populo tuo; ne in aeternum irascaris nobis," with the versicles and orations that are customarily sung after the procession during times of visitation (in quacumque tribulatione), and add the prayer for peace, "Deus, a quo sancta desideria..." The celebration shall be concluded with the sacramental blessing, as is customary. Furthermore, that the Lord may bestow an even more abundant grace, the Pope exhorts the faithful to approach the tribunal of penance on this occasion and to receive the Holy Eucharist. The Holy Father grants a plenary indulgence to all those who, after receiving the Holy Sacraments of Penance and the Altar, attend the service in the morning or evening, or who spend some time in prayer before the exposed Most Holy Sacrament. Given at the Vatican, January 10, 1915. PETRUS CARDINAL GASPARRI, Secretary of State.

[*Latin ed. p. 16*]

16 Acta Apostolicae Sedis - Official Commentary GEBET In the fear and distress of a war that threatens peoples and nations in their very being, we flee, O Jesus, to Your, so loving, Heart, as to our safest refuge. To You, O God of Mercy, we implore with fervor: turn away this terrible scourge! To You, O King of Peace, we cry out in earnest prayer: grant us soon the desired peace! From Your divine Heart, You let shine forth the holy love throughout the

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world, so that all discord may vanish, and that love alone may reign among men. Your Heart, while You were on earth, was full of tender compassion for all human suffering. Ah, may Your Heart have mercy on us also in this hour, which weighs so heavily upon us with its fateful hatred and the terrible shedding of blood! Have mercy on so many mothers who are in fear and anxiety about the fate of their sons, have mercy on so many families who have been deprived of their heads; have mercy on unhappy Europe, upon which such a great calamity has befallen! Grant to rulers and to peoples thoughts of peace; let the strife cease that divides the nations; may it come to pass that men may reunite in love; remember that You made them brothers at the price of Your Blood! Once, You lovingly heard the cry of the Apostle Peter: "Save us, O Lord, for we perish," and You calmed the raging waves of the sea; O, may You also be reconciled today, hear our confident prayer graciously, and grant peace and tranquility to this world, so agitated by storms. And You, Most Blessed Virgin, as in times of greatest distress, so help us now! Protect us and save us. Amen. IV DECRETO His Holiness Pope Benedict XV, grieved by the whirlwind of war that cuts short young lives, overwhelms families and cities, and disrupts the most flourishing nations; considering that the Lord, who heals by punishing and preserves by forgiving, is moved...

[*Latin ed. p. 17*]

17 The acts of Pope Benedict XV record that, through the prayers of contrite and humble hearts, he desired that the voice of faith, hope, and charity, which alone possess divine power to unite men in one heart and one soul, might be stronger than the clamor of arms. He therefore invites and exhorts the clergy and the people to perform some act of expiatory mortification for the sins that provoke the just punishment of God, and he has decreed that throughout the Catholic world, humble prayers be offered to the Lord to obtain, through His mercy, the longed-for peace. To this end, he orders that in all metropolitan, cathedral, parish, and regular churches of Europe, on the coming seventh of February, the Sunday of Sexagesima, and in the dioceses outside of Europe, on the twenty-first of March, the Sunday of the Passion, special ceremonies be celebrated according to the following order: In the morning, after the conventual or parish Mass, the Most Holy Sacrament shall be solemnly exposed, and after the incense is offered, the Psalm 50 shall be sung: *Miserere mei, Deus,* followed by the antiphon *Da pacem, Domine, in diebus nostris, quia non est alius qui pugnet pro nobis nisi tu, Deus noster;* with the verse *Fiat pax in virtute tua, et abundantia in turribus tuis;* and the prayer *Pro pace: Deus a quo sancta desideria, etc.* The Most Holy Sacrament shall remain exposed to public adoration throughout the day, and it is to be desired that even the children participate as much as they can. In the afternoon, before the Sacrament is reposed, the Holy Rosary shall be recited; then the attached prayer, composed expressly

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by His Holiness, to obtain peace; this shall be followed by the singing of the Litanies of the Saints, according to the order prescribed for the Forty Hours devotion in the typical Roman Ritual of 1913. Immediately after the Litanies, the following shall be sung: *Parce, Domine, parce populo tuo; ne in aeternum irascaris nobis,* with the verses and prayers customary after the procession in any tribulation, as found in the Roman Ritual, adding the prayer *Pro pace: Deus a quo sancta desideria, etc.* The ceremony shall be concluded with the singing of *Tantum ergo* and with the blessing of the Most Holy Sacrament, as usual. And that the Lord may pour forth His grace more abundantly, the Supreme Pontiff exhorts the faithful to approach the Sacrament of Penance on this occasion and to receive the Most Holy Eucharist, granting a plenary indulgence to all those who, having performed these acts, receive the Sacrament of Penance and assist at the aforementioned ceremonies with contrite hearts and with the intention of fulfilling all the conditions required for the plenary indulgence.

[*Latin ed. p. 18*]

18. Acta Apostolicae Secretionis. Officialis nuntius: Memores functionum matutinarum vel vespertinarum, vel orantes aliquot temporis coram SSmto. Sacramento exposito. Ex Vaticano, 10 Ianuarii 1915. PETRUS CARDINALIS GASPARRI, Secretarius Status.

ORATIO.

Territi horribilibus belli quae populos et nationes perturbant, ad Vos, Jesu, ut ad supremum refugium, nos accendimus; a Vobis, Deus misericordiarum, finem hujus durissimi flagelli imploramur lamentationibus; a Vobis, Rex pacificus, pacem desideratam exspectamus. Ex Cordis vestro divino caritatem in orbem emisitistis, ut, omnis discordia expulsa, inter homines solum amor regnet; cum inter mortales ambulabatis, palpitationes tenerrimae compassionis pro humanis calamitatibus habebatis. Ah! moveatur etiam Cor vestrum in hoc hora, plena nobis tam funestis odiis et tam horribilibus vastationibus. Miserere pluris matrum angustiatarum de fato filiorum suorum; miserere pluris familiam privatarum capitis eorum; miserere Europae infelicis, quae tam multa ruina patiuntur. Inspirate principibus et populis sentimenta compassionis, componite discordias quae nationes lacerant, facite ut homines iterum osculum pacis inter se det, Vos qui eos fratres fecistis pretio sanguinis vestri. Et sicut olim ad clamorem suplicantem Apostoli Petri "Salvum nos, Domine, quia perimus", piam responsionem dedistis, tempestatem maris placando, ita nunc nobis, confidentibus orationibus nostris, propitiam responsionem date, mundo turbato tranquillitatem et pacem restituendo. Vos etiam, o Virgo Sanctissima, sicut in temporibus terribilibus, adjuvete nos, protegite nos, salvete nos.

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Amen.

[*Latin ed. p. 19*]

Acts of Pope Benedict XV.

BY DECREE OF HIS HOLINESS, Pope Benedict XV, grieved by the war which, like a violent storm, devastates young lives, lays waste families and cities, and troubles flourishing nations, considering that that Lord, who heals by punishing and preserves by forgiving, is moved by the supplications of contrite and humble hearts; at the same time, inviting and exhorting the clergy and the people to perform some act of expiatory mortification for the sins which provoke the just chastisements of God, he has determined that humble prayers be offered to the Lord throughout the Catholic world, in order to obtain from His mercy the longed-for peace.

For this purpose, His Holiness has ordered that in all Metropolitan, Cathedral, Parish, and Regular churches of Europe, on the 7th of next February, the Sunday of Sexagesima, and in the Dioceses outside of Europe, on the 21st of March, the Sunday of the Passion, the following ceremonies be celebrated in the following order:

In the morning, after the conventual or parochial Mass, the Most Holy Sacrament shall be solemnly exposed, and after the incense has been burned, the Psalm 50, *Miserere mei, Deus*, shall be sung, followed by the antiphon: *Da pacem, Domine, in diebus nostris, quia non est alius, qui pugnet pro nobis nisi tu, Deus noster*; with the *fiat* *Pax in virtute tua, et abundantia in turribus tuis*, and the prayer for peace: *Deus, a quo sancta desideria, etc.*

The Most Holy Sacrament shall remain exposed to public adoration throughout the day; and it is desired that the religious communities also take their proportionate part in Naila.

In the afternoon, before the closing of the Most Holy Sacrament, the Holy Rosary shall be recited, and then the prayer published below, composed expressly by His Holiness to obtain peace.

Following the Rosary, the litanies of the Saints shall be sung, according to the order prescribed for the Forty Hours Devotion in the typical Roman Ritual of 1913.

Immediately after the litanies, the following shall be sung: *Parce, Domine, parce populo tuo; ne in aeternum irascaris nobis*, with the verses and prayers that are customarily recited after the procession in any tribulation, as in the Roman Ritual, adding to them the prayer for peace: *Deus, a quo sancta desideria, etc.*

[*Latin ed. p. 20*]

20 Acta Apostolicae Sedis - Commentarium Officiale. Officium ad finem perducetur cum benedictione Sacramenti Sanctissimi, sicut consuevit.

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Denique, ut Dominus gratiam suam abundantius infundat, Summum Pontificem fideles hortatur, ut in hac occasione ad sacramenta Paenitentiae et Communionis accedant; et omnibus qui, confessi et communicati, ad officia matutina vel vespertina frequentabunt, vel aliquantem temporis coram Sacramenti Sanctissimi exposto orabunt, Indulgentiam plenariam concedit. Vaticanum, 10 Ianuarii, 1915. PETRUS GARDEAL GASPARRI, Secretarius Status.

ORAȚIO. Consternati a horribus belli, qui populos et nationes in turbinem suum trahunt, ad Te, Jesu, ut ad asylum supremum, refugimus; a Te, Deus misericordiarum, terminem hujus terribilis flagelli imploramus, cum gemitu; a Te, Rex pacificus, vota nostra sollicitam, ut pace desiderata cito redinte. Ex Cordis Tui divino caritatem in mundum emisit, ut, discordiis extinctis, inter homines solum amor regnet; dum in terra vivebas, Cor Tuum compatiens ardentissime pro humanis calamitatibus vibrauit. Ah! moveatur etiam in hac acerba hora, quae nobis odiis tam funestis, tam horribilibusque trucidationibus gravata est! Miserere, obsecramus, tantarum matrum, angustiatarum fato filiorum suorum; miserere tantarum familiam, orphanarum capite suo; miserere Europae infelicis, cui ruina tam magna imminet! Imperantibus et populis inspira sentimenta mansuetudinis; nationes quae discordia dilacerantur, harmoniza; fac ut homines iterum osculum pacis inter se tribuant, Tu qui, sanguine tuo, eos fratres fecisti. Et sicut olim ad clamorem supplicantis Apostoli Petri: "Salva nos, Domine, quia perimur," compatiens respondisti, mare procellosum placans, ita et hodie, placatus, ad preces nostras, plenae confiduntiae, responde, mundo turbato tranquillitatem et pacem restituens. Et Tu etiam, Virgo Sanctissima, sicut in temporibus tribulationum horribilium, nobis auxilium praesta, protege, salva. Amen.

[*Latin ed. p. 21*]

21. The Acts of Pope Benedict XV. Decree of His Holiness, Pope Benedict XV. Saddened by the horrors of war, which reaps the lives of the young, spreads despair among families and cities, and brings flourishing peoples to ruin, and mindful that the Lord, who corrects by punishing and preserves by forgiving, is moved by the prayers of contrite and humble hearts, and desiring that the clamor of battle be silenced by the voices of prayer, hope, and love, which alone have the divine power to unite people in one heart and one soul, and inviting and urging the clergy and the people to perform acts of penance for the expiation of the divine wrath, He has decreed that in the entire Catholic world, humble prayers be offered to the Lord, that His mercy may grant the peace so earnestly desired. For this purpose, His Holiness commands that in all metropolitan, cathedral, parochial, and monastic churches in Europe, on February 7th (new style), on the Sunday of Sexagesima, and in the dioceses outside of Europe, on March 21st (new style), on the Sunday of the Passion, special liturgical services

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be celebrated in the following manner: In the morning, after the communal or parochial Mass, the Holy Eucharist shall be solemnly exposed, and after the elevation, the 50th Psalm shall be sung: "Have mercy on me, O God," followed by the antiphon: "Grant peace, O Lord, in our days, for there is no one who fights for us except You, O God our God," with the verse: "Let there be peace within Your walls," the response: "And abundance in Your towers," and the prayer for peace: "O God, from whom all holy desires come," etc. The Holy Eucharist shall then remain exposed for public veneration throughout the day; and it would be desirable that even children participate in this veneration. In the evening, before the removal of the Holy Eucharist, the Holy Rosary shall be recited, followed by a prayer specially composed by His Holiness for the granting of peace, and then the Litany of the Saints, according to the order prescribed for the Forty Hours Devotion before the Blessed Sacrament.

[*Latin ed. p. 22*]

"Acta Apostolicae Sedis" - Official Commentary, dated 1913. Immediately, according to the Roman Rite, the hymn "Parce, Domine, parce populo tuo; ne in aeternum irascaris nobis" (Have mercy, O Lord, have mercy on Thy people; lest Thou be always angry with us) is sung, followed by the verses customary in the process of prayers (according to the Roman Rite), with the addition of a prayer for peace: "O God, from whom all holy desires come, etc." The Divine Service will conclude with the blessing of the Holy Gifts in the usual manner. Finally, that the Lord may more abundantly pour forth His grace, the Holy Father earnestly requests the faithful to approach the Sacraments of Penance and Holy Communion on this occasion, and He grants a plenary indulgence to all those who, besides confessing and receiving Holy Communion, attend the morning and evening Divine Services and pray for a time before the exposed Holy Gifts. Given at the Vatican, January 10, 1915. Cardinal PETER GASPARRI, Secretary of State.

PRAYER:

Troubled by the horrors of war that engulf nations and states, we turn to Thee, O Lord Jesus Christ, our Savior, to Thy loving heart; we implore Thee, O Lord of Mercy, with sighs, that this fierce scourge may cease. We place our hope in Thee, King of Peace, awaiting the swift bestowal of the eagerly desired peace. From Thy Most Sacred Heart, Thou hast poured forth love into the world, that all hatred may vanish and that only concord may reign among men. During Thy mortal life on this earth, Thy Heart beat with the most tender compassion for the sufferings of mankind. May it also be moved with compassion in this fateful hour for us, filled with pernicious hatred and terrible strife. Have mercy on mothers trembling for the fate of their sons; have mercy on so many orphans; have mercy on unhappy Europe, upon which such sorrow weighs. Grant, O Lord, to kings and peoples the spirit of gentleness, restrain the fury that tears nations

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apart, and may men again give to one another.

[*Latin ed. p. 23*]

$0 The Acts of Pope Benedict XV, greeting with a kiss of peace, O Thou who hast united them as brothers through Thy Precious Blood. And just as once, upon the prayer of the Apostle Peter, "Save us, O Lord, for we perish in the deep," Thou didst mercifully answer, calming, forgiving, hearing our prayers filled with hope, granting tranquility and peace to the troubled world. And to Thee, O Most Holy Virgin, as in times of trial, we turn; help us, protect us, save us. Amen.

VII. DECREE. His Holiness Pope Benedict XV, saddened by the sight of the turmoil of war, which prematurely extinguishes young lives, plunges families and cities into sorrow, and divides nations in their prime, – considering that the Lord, who corrects by punishing and preserves by forgiving (castigando sanat, et ignoscendo conservat), is moved by the prayers of the contrite and humbled, – calls upon and encourages the clergy and the laity to offer penances for the sins which provoke just divine punishments, and has decreed that throughout the Catholic world, humble prayers should be offered to the Lord, imploring His mercy for the desired peace. For this purpose, His Holiness commands that in every Metropolitan, Cathedral, Parish, and Religious Church in Europe, on the 7th of February of this year, that is, on the Sunday of Sexagesima, and in dioceses outside of Europe, on the 21st of March, that is, on the Sunday of the Passion of the Lord, special devotions be held in the following order: In the morning, after the conventual or parish Mass, the Most Holy Sacrament shall be solemnly exposed, and after incense is offered, the Psalm 50, *Miserere mei, Deus,* shall be sung, followed by the antiphon: *Da pacem, Domine, in diebus nostris,* because there is no one who will fight for us unless it is Thou, O God, our God, and with the verse: *Fiat pax in terra tua,* Responsorial: *Et abundantia in turribus tuis,* and with the prayer: *Pro pace, Deus, a quo sancta desideria,* etc.

[*Latin ed. p. 24*]

Acta Apostolicae Sedis - Official Commentary 24. The Most Holy Sacrament shall be exposed for public adoration throughout the day, and it is desired that children, in an appropriate manner, also participate in the devotion. In the evening, before the Most Holy Sacrament is reposed, the Rosary shall be recited, and after it, the prayer appended here, composed specifically by His Holiness, for obtaining peace. Then, the Litany of the Saints shall be sung according to the order prescribed for the Forty Hours devotion in the Roman Ritual, edition of 1913. Immediately after the Litany, the following should be sung: "Parce, Domine, parce populo tuo, ne in aeternum irascaris nobis," and the verses with prayers, customarily recited after the Procession in any tribulation, as found in the Roman Ritual, with

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the addition of the prayer "Deus, a quo sancta desideria," etc. The devotion shall conclude with the Blessing of the Most Holy Sacrament in the usual manner. In order that the Lord God may more abundantly grant grace, the Holy Father encourages the faithful to approach the Sacrament of Penance at this time, and to receive the Most Holy Eucharist, and those who, having gone to Confession, receive Communion, and participate in the morning or evening devotions, or who pray for a time before the exposed Most Holy Sacrament, shall receive a plenary indulgence. From the Vatican, January 10, 1915. PIUS, Cardinal GASPARRI, Secretary of State. PRAYER. Terrified by the horrors of the war which devastates peoples and nations, we flee to Thy Most Merciful Heart, O Jesus, as to a final refuge; we implore Thee, "God of mercy," with lamentations, to avert this cruel calamity; we beseech Thee, "King of peace," with supplications, to grant the desired peace.

[*Latin ed. p. 25*]

25 The Acts of Pope Benedict XV. You warmed the world with the rays of Your Divine Heart, so that, after removing all discord, only love might reign among men; while on this earth, You felt the most tender compassion for the miseries of mankind. O, may Your Heart be moved even in this hour, so heavy for us, through so much destructive hatred, through such terrible bloodshed! Have mercy on so many mothers, anxious about the fate of their sons; have mercy on so many families deprived of their head; have mercy on unhappy Europe, so greatly afflicted by ruin! Inspire rulers and nations with peaceful intentions, appease the disputes that tear nations apart, make men give each other the kiss of peace again – You, who made them brothers at the price of Your Blood. And just as, once, to the pleading cry of the Apostle Peter: "Lord, save us, we are perishing," You responded mercifully, calming the troubled sea, so today, may You deign to respond to our confident prayers, granting peace and tranquility to the world that is agitated. And you also, O Most Holy Virgin, as in times of terrible trials, help us, protect us, and deliver us. Amen.

LETTER TO THE MOST REVEREND EUGENE COUET, GENERAL MODERATOR OF THE CONGREGATION OF THE MOST HOLY SACRAMENT AND OF THE ASSOCIATION OF ADORING PRIESTS, CONCERNING THE ADMISSION OF CANADIAN ADORING PRIESTS TO THE ASSOCIATION.

Beloved Son, greetings and the apostolic blessing. – We are pleased that the example of the clergy from Italy has inspired the Canadian clergy to virtue, namely, by submitting to us the proposal to establish an Association of Adoring Priests for the coming year, and we follow up this salutary undertaking not only with congratulations, beloved Son, but also with Our commendation and with the best wishes. For what do We desire more than that the worship of the Eucharist be promoted day by day among all Catholics? We cannot but strongly desire that all priests, ministers of the

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altar, become accustomed to the adoration of the Eucharist, so that they may depart from it as though lions breathing fire, made terrible to the devil. This is truly a great thing.

[*Latin ed. p. 26*]

I. *Acta Apostolicae Sedis* – We believe that the official commentary is more efficacious in stimulating study concerning these matters, for the glory of God, than a continuous exposition of divine charity. Indeed, the mind is filled with grace, and the invitations of Christ, the victim of love, so powerfully urge us, that nothing is desired more than that the charity of God be spread in the hearts of all. Therefore, may the assembly of Canadian Priests be blessed and prosperous, and may the worship and use of the Eucharist, increased through them, bring to each of the faithful a pledge of future glory, which We desire for them with paternal charity. In the meantime, may this blessing, a witness to the divine gifts and to Our apostolic benevolence, be imparted to you, beloved Son, and to all those who are preparing for and participating in this assembly, earnestly in the Lord. Given in Rome, at St. Peter's, on the twentieth day of the month of December, in the year one thousand nine hundred and sixty-four, in the first year of Our pontificate. BENEDICT XV.

SACRED CONGREGATION OF THE COUNCIL OF PAVIA.

CONCERNING THE MASS FOR THE PEOPLE: DOUBTS.

The Ordinary of Pavia has presented the following doubts regarding the Mass for the People, to be applied, to the Sacred Congregation of the Council, for a suitable solution, namely:

I. Whether, after the definitive changes recently introduced in the celebration of certain feasts, the obligation for the pastors to apply the Mass for the People still remains on the following days: on March 19th, on the feast of St. Joseph; on the Thursday before the third Sunday after Easter, on the feast of the Patronage of the same St. Joseph; on the fifth day after the first Sunday after Pentecost, on the feast of the Most Holy Body of Christ; and on June 24th, on the feast of St. John the Baptist?

II. Whether, since the feast of St. Bartholomew the Apostle, in the Diocese of Pavia, has been permanently transferred to August 9th, as a perpetual impediment arises from the feast of the Dedication of the Cathedral Church on August 8th, the Mass for the People must be applied on this very day, or rather on August 10th?

[*Latin ed. p. 27*]

To the Most Holy Congregation of the Council, concerning which it is asked whether, considering that in the diocese of Pavia, on days of obliga-

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tion, the Mass for the people is celebrated, by apostolic indult, according to the judgment of the bishop, it can be tolerated that the parish priests, not on the very day on which they are obliged, nor by themselves, but through another priest, celebrate the Mass as prescribed. And, the same Sacred Congregation, on December 16, 1914, responded to the proposed doubts as follows: To I. Affirmative, except for the fourth day of the week before the third Sunday after Easter, on which the feast of the Patronage of Saint Joseph is celebrated. To II. The Mass for the people is to be celebrated on August 25th, in that case. To III. Affirmative. O. GIORGI, Secretary.

SACRED CONGREGATION FOR RITES

COLLECTION FOR A GRAVE NEED – DOUBTS PROPOSED

The following doubts, for proper resolution, have recently been proposed to the Sacred Congregation for Rites:

Namely: By decree of the Sacred Roman Congregation, number B&fâ.Otodim, of August 7, 1875, section III, can the bishop command that a collection for a grave need be said even in the first class chapels, if it is truly for a grave need?

I. When the bishop prescribes the collection for a grave need even in the first class chapels, in which chapels will the collection be said?

II. If the bishop simply commands the collection for a grave need without any mention of the first class chapels, on which days will the collection be omitted?

And the same Sacred Congregation, after hearing the vote of a special Commission, having diligently considered the proposed questions, judged that the following answers should be given:

To I. Affirmative, except for the following days: namely: The Nativity of the Lord, The Epiphany of the Lord, The fifth day of the week of the Lord's Supper, Holy Saturday, The Pasch of the Resurrection, The Ascension of the Lord, Pentecost, The Feast of the Most Holy Trinity, and The Feast of the Most Holy Body of Christ.

[*Latin ed. p. 28*]

28 Acta Apostolicae Sedis - Official Commentary Regarding II. In all matters pertaining to the first class, concerning vigils of the Nativity of Our Lord and Pentecost, and on Palm Sunday. And thus it was decreed and ordered to be observed, on December 23, 1914. SCIPIO CARD. TECCHI, Pro-Prefect. L.©S.

Petrus La Fontaine, Bishop of Chariest, Secretary.

SACRED ROMAN ROTA

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Summons by edict concerning the NULLITY OF MARRIAGE (GALLA-MULLEN)

Since it is established through multiple investigations conducted in the archiepiscopal and episcopal court of Melitensi (Malta), that the aforementioned man, Gulielmum Mullen, born on the island of Melitensi (Malta), cannot be found, indeed, he has not appeared for approximately thirty years, the undersigned Auditor of the Sacred Roman Rota, considering this case, hereby, through the present edict, peremptorily summons the aforementioned Gulielmum Mullen to appear, either in person or through a procurator, at his domicile (113, Via delle Quattro Fontane, ROMA), on the 3rd day of March next, at half-past nine in the morning, so that he may respond regarding his intentions and his conclusions in this case, further declaring that, if he does not appear, the process will be continued and concluded in his contumacy. The local ordinaries and all faithful who may have knowledge of the whereabouts of the aforementioned Mr. Gulielmum Mullen, are to take care, as much as possible, that he be informed of this edictal summons.

Given in ROMA, on the 30th day of December of the year 1914.

S. Many, Auditor.

[*Latin ed. p. 29*]

Most Holy Roman Rota, Rome. Citation by edict.

MELEVITAN A (Meliten.) Concerning the Nullity of Marriage (GALLA-MÜLLEN).

It having been ascertained through several investigations conducted within the archiepiscopal and episcopal curia of Malta, that the aforementioned husband, William Mullen, originally from Malta, cannot be found, and that he has been missing for approximately thirty years, the undersigned Auditor of the Rota, presiding in this cause, hereby peremptorily cites the aforementioned William Mullen, to appear, personally or by procurator, at his domicile (113, Via delle Quattro Fontane, Rome), on the third of March next, at half-past nine in the morning, to be questioned regarding his intentions and conclusions in this present cause, further declaring that, should he fail to appear, the canonical process will proceed and be concluded in his absence.

The Ordinary of the place and the faithful, who may have knowledge of the residence of the aforementioned Mr. William Mullen, are to endeavor, as far as possible, to ensure that he is informed of this citation.

Given at Rome, the 30th of December, 1914.

S. Many, Presiding.

From the Chancery of the Most Holy Roman Rota, 30th December, 1914.

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Ioannes Ladelei, Notary.

[*Latin ed. p. 30*]

Acts of the Apostolic See - Official Commentary, DIARY OF THE ROMAN CURIA, SECRETARY OF STATE. By Brief Apostolic Letters, the Holy Father has deigned to appoint: Apostolic Protonotaries, as if participating: 80, December 1914. — Mons. Dr. Giovanni Bujanović, professor of theology at the Royal University of Zagreb. Mons. Giuseppe Musto, of the diocese of Aversa. Domestic Prelates, of the 8th class: 19 December 1914. — Mons. Achille Berthelin, canon of the diocese of Troyes. — Mons. Dr. Stefano Székely, aulic counselor of His Apostolic Majesty, of the diocese of Gran Varadino. — Mons. Emanuele Giorgio da Fonseca, rector of the Portuguese college in Rome. 20 December. — Mons. Guglielmo V. Nolan, of the diocese of Sioux-Falls. — Mons. Emanuele A. Bouska, residing in the same diocese. — Mons. Giuseppe Como, coadjutor canon of the Metropolitan Archdiocese of Turin. — Mons. Oscar Matzenauer, canon of the cathedral of Vácz. 22 December. — Mons. Paolo de Mathiers, of the diocese of Coira. — Mons. Francesco Mazzacuva, honorary canon of the cathedral of Reggio Calabria. 30 December. — Mons. Carlo Jenne, scholar of the cathedral chapter, of the diocese of Pölten. — Mons. Agostino Vurglich, of the diocese of Veszprém. 31 December. — Mons. Bernardo J. Mulligan and Mons. Taddeo Hogan, of the diocese of Trenton. 5 January 1915. — Mons. Dr. Alberto Méndez y Núñez, theological canon of the cathedral of Havana. — Mons. Guglielmo Enrico Mahoney and Mons. Giacomo G. Hackett, of the diocese of Auckland. — Mons. Francesco Abascal y Venero, protector of the Conciliar Seminary of the diocese of Havana.

[*Latin ed. p. 31*]

From the Roman Curia Diary, 31st day: With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, with plaque: December 30, 1914. – To the Baron Carlo Ricci des Ferres, of Turin.

The Order of Saint Gregory the Great, civil class: December 30, 1914. – To the gentlemen: Baron Romano Giannotti, of Turin; Marquis Filippo Crispi, president of the Society for the Interests of Rome, and Marquis Gaetano De Felice, of Rome.

The Order of Saint Sylvester the Pope: December 30, 1914. – To the gentlemen: Advocate Giacinto Bricarelli, of Turin, president of the regional and city electoral union, and Marquis Ludovico Almerici, of Cesena.

The Knighthood of the Order of Saint Gregory the Great, civil class: December 19, 1914. – To Mr. Stefano Guglielmo Nicola Arntz, of the diocese of Bois-le-Duc.

The Knighthood of the Order of Saint Sylvester the Pope: December 22, 1914. – To Mr. Carlo Gehrig, of the archdiocese of Vienne.

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December 30th. – To Mr. Eduardo Marzo, a master of sacred music, residing in New York.

HIS HOLINESS'S HOUSEHOLD: BY APPOINTMENT. With Briefs from His Eminence, the Major Domo, the Holy Father deigned to appoint:

Secret Chamberlains, honorary: September 30, 1914. – Monsignor Francesco Cafferata, of the diocese of Livorno.

October 15th. – Monsignor Giovanni Freiseisen, of the diocese of Bressanone.

– Monsignor Vendalino Haidegger, of the same diocese.

– Monsignor Giuseppe Haisle, of the same diocese.

[*Latin ed. p. 32*]

32 Acta Apostolicae Sedis - Official Commentary, October 15, 1914. — Monsignor Albert de Hórmann, of the same diocese. — Monsignor Ignatius Mitterer, of the same diocese. — Monsignor Henry de Schmuck, of the same diocese. October 31. — Monsignor Andrea Carpené, of the diocese of Ceneda. Honorary Chaplains wearing peacock blue vestments of the Holy See: September 15, 1914. — Monsignor John Thunnisen, of the diocese of Harlem. — Monsignor Constantine Stefanini, of the archdiocese of Bologna. October 15. — Monsignor Eugene Hillmann, of the diocese of Bressanone. — Monsignor Frederick Moli, of the same diocese. — Monsignor John Raffi, of the same diocese. — Monsignor Peter Schwingshakl, of the same diocese. Secret Chaplains of the Sword and Mantle, extraordinary, of the Holy See: September 25, 1914. — The Right Honorable Count Henry Giacobazzi, of the archdiocese of Bologna. September 28. — The Honorable Knight Joseph Visibelli, of the archdiocese of Florence. October 31. — The Honorable Viscount Patrick de Wall, of the diocese of St-Claude. Honorary Secret Chaplains of the Holy See: October 15, 1914. — Monsignor Louis Pozzobon, of the diocese of Ceneda. — Monsignor Joseph Kerle, of the diocese of Bressanone.

NECROLOGY: January 3, 1915. — Monsignor Henry Louis Prosper Bougouin, Bishop of Perigueux. January 11. — Monsignor Patrick William Riordan, Archbishop of San Francisco in California.

[*Latin ed. p. 33*]

Year Til - Vol. Til, on the 22nd of January, 1915, No. 2.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

ADDRESS GIVEN IN CONSISTORY ON THE 22ND OF JANUARY,

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1915.

VENERABLE BROTHERS:

It has seemed good to Us to summon you today, so that We might celebrate with you the solemnity of replenishing the ranks of bishops. For many churches throughout the Catholic world are bereft of their pastors at the present time; and among these, there are some to whom, by reason of their dignity, We deem it fitting to consult in this most ample assembly. Moreover, since We frequently see you present here, Venerable Brothers, who, by reason of your singular connection with Us, are justly entitled to share in all Our thoughts and concerns, We cannot restrain Ourselves from pouring out to you some expression of that sorrow which We know afflicts Us. Indeed, the months continue to pass, and no hope is shown of this most calamitous conflict, or rather, slaughter, coming to a swift end. We cannot, as We would wish, hasten the end of this evil; may it please Us to mitigate the sorrows which result from it. We have, thus far, labored as much as it has seemed to Us fitting; and, as far as circumstances require, We shall not cease to labor.

ACTA, vol. VII, n. 2. - 22-1-1915.

[*Latin ed. p. 34*]

34 Acta Apostolicae Sedis - Official Commentary. Furthermore, aware of the present duties of Our office, We strictly forbid the Roman Pontiff, since indeed he is, by divine constitution, the supreme interpreter of eternal law, to decree that it is permissible for anyone, under any pretext, to violate justice; and We declare this most openly, vehemently condemning all violations of justice, wherever they may occur. Moreover, it would be entirely unsuitable and unhelpful for the pontifical authority to be involved in the contentions of the warring parties. Indeed, whoever is prudent and values things properly, sees that the Apostolic See, although it cannot be entirely indifferent to this conflict, ought nevertheless to belong to no party; for the Roman Pontiff, acting as a representative of Jesus Christ, who died for all men, both individually and collectively, ought to embrace all those who are fighting with charity; and as a father of the Catholic name, having frequent children on both sides, He ought to be concerned for the salvation and well-being of them all. Therefore, He ought not to consider the private grievances of those who are divided among themselves, but rather the common bond of faith that unites them. If he does otherwise, he will not only fail to help in the cause of peace, but will also, as we have said, inflict great harm on the cause of religion, and will greatly impede the tranquility and harmony of the Church itself. However, We are attached to neither side, but, as We have said, We are concerned with both; and We follow with the utmost concern and anxiety the terrible events of this war, especially since

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there is reason to fear that the forces at play may at any time exceed all bounds. For it is natural that wherever the common parent of the Church is afflicted, there the minds and hearts of her children will be turned; and examples of this are also the letters which We received yesterday addressed to the Most Reverend Cardinal Archbishop of Mechlin. It is permissible at this time to implore those who are passing through foreign lands to wage war, that no greater devastation be inflicted on those regions than is necessary to occupy them; and, more importantly, that the inhabitants not be deprived of what is most dear to them.

[*Latin ed. p. 35*]

35. The acts of Pope Benedict XV show that sacred buildings, as well as those who administer them, and those who practice religion, are gratuitously wounded. But for those whose lands we know are occupied, we easily understand how difficult it is to be subject to external forces. However, let them be warned, lest, in their eagerness to regain their freedom, they, especially by hindering the governance of public order, make their condition much worse. Furthermore, venerable Brothers, faced with such a pressing mass of miseries, we must not lose heart; but, the more obscure the outcome may seem, so much the more confidently let us approach the throne of grace, that we may obtain mercy and timely help (HEBR., 4, 16). For it is necessary, as we have already said, to pray to God with humble prayers, for He, who is the Lord and judge of all human affairs, can, by His invincible power, guide and direct the wills of men, as He pleases. Indeed, peace cannot be established in the world without the divine command; for, as the nations, consumed by human cares, would have forgotten and neglected God through mutual injuries. — Moreover, other events are constantly occurring, which urge men to "humble themselves under the mighty hand of God" (I. PETR., 5, 6); and we know that in recent days, such an event has occurred, and how terrible and sorrowful it has been. Now, since common prayer is more pleasing and fruitful to God, we exhort you, as much as possible, not to cease imploring divine mercy, but rather to do so, especially by frequenting public prayers in sacred buildings. We ourselves, at the same time that the greatest assembly of those praying exists, have appointed two days of supplication, one for Catholic Europe on the seventh day of the coming month, and the other for the rest of the Catholic world on the twenty-first day of the month of March. We ourselves will attend the first supplication at the Basilica of St. Peter in the Vatican; and we do not doubt that you, venerable Brothers, will be with us there. May she favor us with the common prayers of the Church, our help in Christ.

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis - Commentarium Officiale. With the interces-

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sion of the most holy Virgin Mother of God, and through her patronage, We have obtained for Our Son that, with minds turned towards the light of truth, and with souls devoted to the cultivation of justice, peace may be restored to the earth, and may constantly remain with men henceforth. But now let us turn to the matter of the co-optation of bishops.

AUTHENTIC VERSION.

To Our Venerable Brother, With the intention of providing, with due solemnity, for vacant dioceses, We desired to summon you today to Our presence. Indeed, there are not a few churches that in these recent times have been left widowed of their pastors, and among them there are some so important and worthy that We are concerned with them in this assembly. But, above all, seeing you, Our Venerable Brothers, gathered here, who, by that bond of special union that binds you to Us, rightly share with Us thoughts and concerns, We cannot help but pour once again into your hearts something of that anguish from which Our soul is oppressed. Unfortunately, months follow months without a distant hope that this most disastrous war, or rather, carnage, will soon cease. If We are not permitted to hasten the end of so grave a scourge, oh, that We might at least mitigate its painful consequences! For this purpose, in truth – and you know it well – We have striven thus far as much as was in Our power, and We will not fail to strive in the future, as long as necessity requires. To do more today is not permitted to Us by Our Apostolic office. It is undoubtedly the duty of the Roman Pontiff, as He who is appointed by God as the supreme interpreter and vindicator of the eternal law, to proclaim that it is not permissible for anyone, for any reason, to violate justice; and We proclaim this without hesitation, strongly condemning every injustice, no matter from which side it may have been committed. But to involve the authority of the Holy See in the very disputes of the belligerents would neither be fitting nor useful. Whoever judges prudently cannot fail to see that the Apostolic See, although deeply concerned in this immense conflict, must maintain perfect impartiality; for the Roman...

[*Latin ed. p. 37*]

The acts of Pope Benedict XV, as Pontiff, in his capacity as Vicar of Jesus Christ, who died for all men, both individually and collectively, must embrace all those engaged in conflict with the same sentiment of charity; furthermore, as common Father of Catholics, he has on both sides a great number of children, whose salvation he must be equally and impartially concerned with. Therefore, it is necessary that he regard in them not the special interests that divide them, but the common bond of faith that unites them; if he were to do otherwise, he would not only fail to benefit the cause of peace, but, which is worse, he would create aversion and hatred

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towards religion, and would expose the very internal tranquility and concord of the Church to grave disturbances. Therefore, while we are equally concerned with both sides, as we have said, we follow with anxious concern the terrible phases of this war, all the more so because it is to be feared that the violence in the attack sometimes exceeds all measure. It is well understood that wherever a more lively affection and reverence for the Pope, as Father of the faithful, is observed in the children, there, as is natural, the thought returns to us more insistently; and in this regard, for example, concerning the beloved Belgian people, witness is also that letter which we addressed to the Cardinal Archbishop of Malines. And we appeal here to the sentiments of humanity of those who have crossed the borders of opposing nations, to implore them that the invaded regions not be devastated more than is strictly required by the reasons of military occupation, and that, above all, the minds of the inhabitants not be wounded unnecessarily in what they hold most dear, such as the sacred temples, the ministers of God, the rights of religion and of the faith. Regarding those who see their homeland occupied by the enemy, we fully understand how burdensome it must be for them to be subjected to foreigners. But we would not want the desire to regain their independence to lead them, especially, to obstruct the maintenance of public order, and thereby to worsen their condition to a great extent. Moreover, venerable Brothers, we must not, because of so many and such grave anxieties, allow ourselves to be disheartened; rather, the more dark the future appears, with so much greater confidence we should approach the throne of grace, in order to obtain mercy, and to find opportune succor (Hebrews 4:16). Therefore, as we have already prescribed, it is necessary to offer insistent and humble prayers to the Lord, who, as Master and sovereign Arbiter of human events, can alone direct, through his infallible designs, the will of men, in those ways that are pleasing to Him. It should not seem that peace can exist without divine counsel.

[*Latin ed. p. 38*]

38 Acta Apostolicae Sedis - An Official Commentary concerning those exiled from the world; it allows God that the human races, which had placed all their thoughts in the things of this earth, may punish themselves with mutual massacres, out of the contempt and neglect with which they have treated Him. — Other events are then added from time to time, forcing men to humble themselves "under the mighty hand of God" (1 Peter 5:6); such as that of these last days, which we all know to have been so horrible and lamentable. Therefore, since prayer in common is more acceptable to God and more fruitful, we exhort all the good to propitiate divine clemency by praying in private, but especially by participating in public prayers in the sacred temples. And that an immense chorus of suppliant voices may rise simultaneously to heaven, we have, as you know, decreed two solemn

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acts of penance, one to be held by Catholics throughout Europe on the 7th of next February, the other to be held in the rest of the Catholic world on March 21st. To the first, we have decided to attend ourselves in St. Peter's in the Vatican, and we are certain that you, venerable Brothers, will not fail to participate with us. May the most holy Virgin, Help of Christians, hear and heed the common prayers of the Church, and through her intercession, may she obtain from her Divine Son that, with minds turned back to the worship of truth and hearts turned to justice, the peace of Christ may reappear in the world and establish a firm foundation among men.

SECRET CONSISTORY

On January 22, 1915, a secret Consistory was held in the Apostolic Palace at the Vatican, in which His Most Holy Lord, Pope Benedict XV, entrusted the Office of the Sacred College of Cardinals to the Most Eminent and Reverend Lord Cardinal Anthony Vico, and assigned, by right of option, the presbyteral title of St. Lawrence in Lucina to the Most Eminent and Reverend Lord Cardinal Peter Gasparri, granting him the power to retain, as commendatory, the title of St. Bernard in Thermis.

[*Latin ed. p. 39*]

The Most Holy Congregation Consistorial, 39. In the same Consistory, Our Most Holy Lord provided for the following churches, namely: To the titular archiepiscopal church of Chalcedon, He appointed the Reverend Father Andrew Caron, formerly the Archbishop of Genoa; To the metropolitan church of Genoa, the Reverend Father Louis Gavotti, formerly the Bishop of Casale Monferrato; To the cathedral church of Cremona, the Reverend Father John Cazzani, formerly the Bishop of Cesena; To the cathedral church of Turin, the Reverend Father Anthony Fester, formerly the titular Bishop of Paleopolis; To the titular episcopal church of Thapsus, the Reverend Father Valentine Garcia and Barros, formerly the Bishop of Palencia; To the cathedral church of Bergamo, the Reverend Father Aloysius Mary Marelli, formerly the Bishop of Bobbio; To the titular episcopal church of Thermae Basilicae, the Reverend Father Aloysius Capotosti, formerly the Bishop of Modigliana; To the titular episcopal church of Rhetimene, the Reverend Father America Bevilacqua, formerly the Bishop of Alatri; To the cathedral church of Saint Clodoald, the Reverend Father Joseph Francis Busch, formerly the Bishop of Lead; To the cathedral church of Tortona, the Reverend Father Simon Peter Grassi, a parish priest of the place commonly called Verdello in the diocese of Bergamo; To the cathedral church of Foligno, the Reverend Father Charles Sica, a canon and archpriest of the church of Saint Eustachius in the City, and an official of the Secretariat of State; To the titular episcopal church of Sasimorum, the Reverend Father Aloysius Zaffarami, the archpriest

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of Saint Terentianus in the diocese of Todi, appointed as the Apostolic Administrator of the same diocese; To the cathedral church of Bobbio, the Reverend Father Peter Calchi-Novati, a parish priest of the place called Saronno in the diocese of Milan, a doctor of sacred theology and canon law; To the cathedral church of Albenga, the Reverend Father Angel Cambiaso, a canon of Saint Mary of Carignano in the city of Genoa; To the cathedral church of El Paso, the Reverend Father John J. Brown, of the Society of Jesus, the rector of the college in the city of Denver.

[*Latin ed. p. 40*]

40 Acta Apostolicae Sedis - Official Commentary: To the Cathedral Church of Bisarcio, the Reverend Father Peter Benedict, General Procurator of the Missionaries of the Most Sacred Heart of Jesus, Doctor of Sacred Theology; To the Cathedral Church of Saint Benedict; To Malta, the Reverend Father Maurus Caruana; To the Cathedral Church of Gap, the Reverend Father Gabriel Llobet, General Vicar of the Diocese of Perpignan-Elne, Doctor of Sacred Theology; To the Cathedral Churches of Ampurias and Templar, the Reverend Father John Mary Sanna, Provincial of the Conventual Minor Order in Sardinia. Furthermore, the Apostolic provisions concerning churches, whether under the pallium or under the ring, which had already been made, were publicly announced.

SACRED CONGREGATION FOR THE DISCIPLINE OF THE SACRAMENTS: Concerning the Presumed Death of a Spouse. At the general meetings held by the Most Reverend and Most Eminent Cardinals of this Sacred Congregation on November 28th and December 18th, 1914, two cases concerning the presumed death of a spouse were presented.

I. Species of Case: In the year 1868, a woman, A. C., was married in the sight of the Church to a man, M. V., in a parish in America. The following year, this man, having received letters from a certain woman, urgently requested his wife to move with him to the city of S. There, the man revealed to his wife, under oath, that he was already married to another woman. He then abandoned her, promising, however, that he would return; but, after a short time had elapsed, he wrote to her, bidding her farewell forever. In the meantime, the abandoned woman learned that the man, under a false name, had attempted to marry elsewhere, and from that time onward, she entered into a relationship with another man; and several children were born from this concubinage.

[*Latin ed. p. 41*]

S. C. de disciplina Sacramentorum 41. Nunc vero, ambo, stimulis conscientiae excitati, ferventer orant ut sibi liceat sacramentum matrimonii celebrare. Quoniam quaestio de nullitate matrimonii mulieris A. C. cum viro M. V. ex capite impedimenti ligaminis (quia factum antecedentis matrimonii fundatur solum in testificatione viri M. V.) persuasit orantibus, praedic-

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tum virum M. V. iampridem de vivis decessisse. Eamdem gratiam effusis lacrimis implorant filiae eius, ut tandem aliquando monasterium ingredi possint, unde eas hactenus arcuit turpis conditio parentum. Argumenta. Ex multis peractis investigationibus, haec momenta rationum sunt in favorem praedicti obitus. In primis, argumentum satis probabile mortis viri M. V. eruitur ex diuturnitate temporis elapsi. Matrimonium celebratum est anno 1868; hinc elapsi sunt 46 anni, sine ulla de ipso notitia, licet investigationes peractae sint in locis in quibus ipse commoratus est. Nunc aetatem supra septuagenariam ipse attingisset; quod improbabile apparet, inspectis speciatim pravis eiusdem moribus. Nec deest argumentum positivum, scilicet depositio filii quem oratrix e marito suscepit et post ipsius fugam in lucem edidit. Cum ipse patrem suum olim in urbe C. quaereret, a certo P. R., didicit illum esse mortuum et quidem in urbe T. Ibi a quadam T. V., persona uti apparet fide digna, audivit patrem suum, aliquot mensibus ante, in navicula ad balneum exiisse, sed haud amplius visum fuisse: *era entrato, en verba depositionis, in un canotto a bagnarsi e non era più riapparso; solas ipsius repertas fuisse vestes: solamente avevano trovato i panni sopra il ponte, uti idem filius alia occasione addidit.* Nominati tamen testes P. R. et T. V. non amplius in respectivis illis locis inveniuntur, nec scitur eorumdem actualis residentia, proinde citari non potuerunt. Ceterum, idem filius deponit se per biennium alias adhuc inquisitiones instituisse quoad existentiam patris, sed inane. II. Species facti. Mulier A. G. anno 1881 in urbe T. nupsit cuidam D. M., tunc aetatis 22 annorum; sed eum, utpote vino ac adulterinis amoribus deditum (uti ipsa asserit), post octo annos vitae communis deseruit. Ille autem, sub finem anni 1889, trans mare in urbem B. se contulit, neque ullum umquam de se nuntium misit. Interim, uxor alii viro se adiunxit, quocum vitam concubinariam ducit.

[*Latin ed. p. 42*]

Acta Apostolicae Sedis - Finally, desiring to promote the eternal salvation of all, the case was presented to the ecclesiastical authority. This Holy Congregation ordered the diocesan curia to conduct an investigation into the presumed death of the spouse, D. M., in accordance with the instructions of the Holy See, dated 1868. After the investigation was completed, since the aforementioned curia did not dare to render a judgment on its own authority, the proceedings were sent to the Holy Congregation for a proper decision. Arguments. First of all, it must be noted that the petitioner in this case has avoided all suspicion of falsehood. For the ecclesiastical validity of her marriage has brought her no temporal advantage. Indeed, according to the testimony of the religious priest, Father S., who zealously promoted her cause: "All the inhabitants of the place where the woman lives consider her to be legitimately married, and all those who know her have always considered, and still consider, her to be a true wife." To demonstrate the death of her husband, both negative and positive arguments are

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presented. The former are: the length of time since the husband disappeared and the futility of the investigations: 1) The length of the disappearance: The husband, who is presumed to be dead, left his homeland approximately twenty-five years ago: "In October of the year 1889, he boarded a ship in this port of T..., and in December of the same year, he arrived at the port of B." This long absence should be considered all the more, because although the inhabitants of that region emigrate to that part of the country, they usually do not stay there for more than two or three years, and then return to their homeland. 2) The futility of the investigations: Indeed, from the years 1900 and 1901, the aforementioned man was sought wherever he might be presumed to be, and this was done with the help of "consuls" of the respective nations residing in those distant regions; but nowhere was he found, nor any trace of him. The latter arguments are testimonies, both of sight, of hearing, and of reputation. I. A witness of sight appeared, a certain B. C., "a man, as it is asserted, of good character, worthy of trust, and irreproachable." Who, having been sworn under oath, testified before the ecclesiastical tribunal of T., on March 4, 1912: that he had seen the husband of the petitioner dead. He recounts: the occasion on which he saw the deceased, the time, the place, the cause of death, and finally, how he was certain of the identity of the deceased, whom he saw, with the husband of the petitioner. 1

[*Latin ed. p. 43*]

S. de disciplina Sacramentorum 43: "Qua occasione: 'Hoc didici in urbe B. (in quam videlicet vir emigraverat) ab aliquibus hominibus gentis meae: qui, cum de morbo tunc in illa urbe grassante loquerentur, praeter alias victimas nominarunt etiam certum D. M., cuius cadaver ego (postea) vidi.'" Quo tempore et loco: "Id, ait, evenit anno 1897, mense aprili, in urbe B., in regione quam habitant nautae nationis meae, et quae vocatur B., prope ad mare.'" Quae fuerit causa mortis: "Pestis illa erat febris typhoidea." Quomodo certus sit de viri identitate: "De ea certus est: a) ex relatione aliorum, siquidem, iuxta ipsius verba modo relata, illi homines 'praeter alias victimas, nominarunt etiam certum D. M.': quod est nomen viri, de quo agitur. b) ex propria recognitione: vivum enim optime noverat: facile ergo mortuum agnovit. Vivum optime noverat: 'Ego virum D. M. noveram inde ab annis 1884-85 in urbe T.' Facile igitur agnovit mortuum: 'Eum recognovi ex vultu, speciatim ex maculis quas ibidem reliquerat morbus variola; erat staturae mediae, tunc forte annum agebat circiter trigesimum quartum.'" Hinc de asserta morte se omnino certum dicit: "Ego omnino certus sum de morte D. M., ita ut hanc secundum omnem scientiam et conscientiam iurare possim; et attestor me, dum haec depono, nihil aliud spectare quam manifestationem solius veritatis."

II. Testes de auditu acciti sunt quatuor: 1) Primus, P. I., 30 dec. 1909, sub religione iurisiurandi deposuit: "Quatuor vel quinque abhinc annis audivi

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a pluribus ab urbe B. (in quam vir emigraverat) huc reversis, praefatum D. M. mortuum fuisse pluribus annis ante." Notetur concordantia temporis mortis indicati ab hoc teste et a praecedenti; qui asseruit se mortui cadaver vidisse "anno 1897." 2) Secundus, A. G., frater oratricis, qui dicitur "irreprehensibilis, honestus, verax," bis, annis 190 fugit, 1912, coram iudice ecclesiastico sub vinculo iuramenti auditus est. Qui narrat, ubi, quando, a quibus mortem praefati mariti didicerit, et ubi ipsa evenerit. Ubi et quando didicerit: "Eram in urbe B. (etiam a duobus prioribus testibus designata) abhinc annos fere quindecim... Audivi loqui eo tempore de D. M., cum essem in loco quodam publico." A quibus didicerit: praefatam mortem audivit tum a quodam F. L., homine eiusdem nationis ac vir de quo agitur, tum ab eius uxore, tum ab aliis, quibus ille notus fuerat et qui in illam urbem navigaverant vel illic commorabantur.

[*Latin ed. p. 44*]

Regarding the occurrence of death: it was heard from a woman, D. M., that "extra urbem B." (outside the city of B.), where, without a doubt, her body was transported, had been the place of death, as the aforementioned witness, B. C., testified having seen.

3) Thirdly, E. B., writing to a certain friend from the same city of B., informed her, among other things, of the death of the man in question: "Finally, I am now more certain of the death of my husband, Antoniae." This letter was written on September 2, 1898; therefore, it was only about sixteen months after the time of death, as indicated by the aforementioned witness, B. C. Thus, the words of this witness, E. B., "Finally, I am now more certain..." are consistent. Furthermore, this letter is included in the authentic copy of the document attached to the proceedings.

4) Fourthly, M. M., who had lived for several years in the region where the death of the man in question is alleged to have occurred, testified. The current residence of this witness is unknown, but "several witnesses also, under oath, affirm that this M. M. had reported the death of D. M."

III. Witnesses regarding reputation. Regarding this, the aforementioned Reverend Father P. S. testified: "Public opinion, which is constant, long-standing, and widely spread, has considerable weight; but such is the opinion regarding the death of D. M., that those who know the woman have always believed, and still believe, that she was legitimately married; and that they are convinced that, after the death of her former husband, she married in the sight of the Church." "Many people of the same nationality emigrate to that region. However, they do not usually take their wives and children with them, but go there to work for two or three years, and then return. Therefore, if this public opinion were false, it could easily be corrected; but no contrary news has ever been heard, nor has any suspicion arisen."

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In contrast to the arguments presented, an objection is raised that there is no mention of the death of D. M. in either the parochial records or the civil registers. However, a competent authority from that place, requested by the Episcopal Curia which conducted the proceedings, wrote that "it could have happened that, due to the plague raging in lentia, due to excessive labor, this death was not recorded in the books, or was noted without a name. Such omissions were frequent at that time."

In either case, the following doubt was submitted to the most eminent Fathers: Whether it is permissible for the woman to proceed to another marriage. And the most eminent Fathers, after mature consideration of both cases, judged that the answer should be: Affirmative.

ALOISIUS CAPOTOSTI, Bishop of Thermen, Secretary.

[*Latin ed. p. 45*]

SACRED CONGREGATION OF THE COUNCIL. DIOCESE N. REGARDING THE INCOME OF THE ECCLESIASTICAL RESIDENCE, WITH THE SEAT VACANT. Dated 8 February 1913.

Since the episcopal seat of the diocese of N. was vacant in the year 1910, an Apostolic Administrator was appointed, who held the administration of the aforementioned diocese until the year 1912, when the succeeding Bishop took possession. Since, during this intervening period, the fruits of certain revenues had matured, the question was raised as to whether these fruits belonged to the Apostolic Administrator or rather to the succeeding Bishop; this doubt was brought before this Sacred Congregation of the Council by the general vicar of the aforementioned diocese, in the name of both parties.

For the resolution of this doubt, it seemed advisable to recall, above all, to whom, according to common law, the revenues of the episcopal residence belong when the seat is vacant. In this matter, the fundamental decree of Alexander III, *Cum vos*, 4, *de off. ind. ord.*, is to be considered, in which it is prescribed that, when the seat is vacant, oeconomi must be appointed, who are to "receive the fruits and either expend them for the benefit of the churches, or faithfully reserve them for future persons." Boniface VIII, in chapter 40, *De elect.*, section 6, and Clement V, in the Council of Vienna, chapter 7, *Statutum*, (ed. Tridentina), declare: "A statute concerning the goods... to be reserved for future successors, shall have place in every emolument which arises from the jurisdiction and seal of the ecclesiastical court, or from any other source, which would pertain to prelates, when the churches are not vacant; notwithstanding any contrary custom; so that, however, reasonable expenses may be deducted therefrom."

Two points are to be noted regarding this constitution: 1° The goods which are reserved for the succeeding prelate are only those which would have pertained to the living prelate; and therefore, if any goods or emol-

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uments, when the seat is full, belonged to the general vicar by his own right, these, when the seat is vacant, pertain to the capitular vicar; 2° The revenues of the episcopal residence are to be understood only after reasonable expenses have been deducted, and therefore, from these revenues, a reasonable stipend must first be established and paid to the capitular vicar, or, in general, to the one who administers the vacant seat.

These two points have always been asserted and confirmed by the Sacred Congregation of the Council, interpreting common law, as can be seen, for example, from a decree of Cephaluden, 17 November 1594; from a decree of *Nullius*, 11 July 1626; and from a decree of Agrigentum, 17 April 1627, which are cited by Benedict XV, *De Syn. dioec.*, book X, chapter 10, number 4; cf. also Goan., 6 March 1847. Hence, among the doctors of canon law, there is a constant doctrine on this matter.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis - The official commentary unanimously states: see Leurenius, De Vic. Episc. q. 465, n. 1; Monacelli, Formular. I, tit. 1, form. 2, n. 15; De Angelis, Praelect, in tit. de Off. Vicar., num. 22, etc. It must be noted, however, that common law in this matter has been limited and even altered in some regions, either through pontifical reservations or through agreements concluded with the civil authority. At various and various times, the Roman Pontiffs began to reserve the assets of the Apostolic Chamber from benefits, even episcopal ones, that became vacant. Thus, Julius III, in the Constitution *Cupientes*, dated March 20, 1554, and St. Pius V, in the Constitution *Emanarunt*, dated December 12, 1567, for Hispania; and also, according to regulation 2 of the Apostolic Canons, Pius IV, in the Constitution *Cupientes*, dated April 25, 1561, for Italia, etc. Regarding this reservation, it should be noted that, according to the Constitution of Julius III *Cum sicut*, dated June 6, 1550, which was confirmed by Urban VIII in the Constitution *Aeternus rerum Conditor*, dated April 5, 1628, even the fruits collected from the day of the vacancy belong to the reservation. Furthermore, it must be observed that all assets and rights belonging to the Apostolic Chamber, and therefore also the assets of vacant episcopal benefices, were, "in the same manner and form" as those belonging to the Apostolic Chamber, transferred and incorporated into the Holy Congregation of Propaganda Fide by Pius VII, through the Constitution *Catholicae fidei* of June 19, 1817 (Bull. Rom. contin. t. VII, p. 1473). As for the agreements concluded with the civil authority, the case in question did not require any discussion. It was considered of the utmost importance, with regard to common law, to establish how the words of the Decretals "to faithfully reserve for future persons" should be interpreted. These words cannot be understood in such a way that the immediate successor is free to convert the fruits collected during the vacancy to any use whatsoever. It is well known that all benefices,

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whether major or minor, by general law, cannot expend any of the fruits of their benefice for themselves except to the extent necessary for their honest sustenance. Indeed, it is evident from the Council of Lateran, held by Pope Alexander III, from chapter 7, *Cum in officiis*, concerning testaments, and from chapter 12 of the same title, *Relatum*, that all assets derived from benefices, which remain after the honest sustenance of the beneficiary, belong to the Church. "By the name 'Church'," as the very words of Alexander III state in the aforementioned chapter *Relatum*, "we understand not the bishop or the cleric who is dying, but the common congregation, which must have canonical distribution and care of these things. 'Where, however, there is only one to be ordained in the place of the deceased, he shall administer these goods (as well as 'other goods of the Church') with due reverence.'" Conversely, not a few authors have introduced great confusion and ambiguity in this matter. These authors are wisely corrected, in his own manner, by the renowned jurist Cardinal De Luca in the hundredth disputation on Benefices, n. 22, where he says: "Since the doctors, when dealing with this subject, presuppose the belonging of these fruits to the successor, it is a more frequent opinion, not only among the ignorant and lower classes, but also perhaps among writers and men of higher standing, that..."

[*Latin ed. p. 47*]

The Holy Congregation of the Council 47: "Such fruits... which pertain to the Church or to the successor, are indeed those fruits which the successor, whose fortunes are usually considered, finds in a notable accumulation during the predecessor's time of vacancy... Truly... it seems a clear ambiguity...; namely, with regard to other [fruits] of previous years, the successor may indeed demand and administer them, but for the benefit of the Church, for the increase of its endowment and goods, since they appear to be of the nature of the principal endowment, just as the fruits which accrue during the intervening time increase an inheritance or a trust, when the succession is vacant, either because the person called does not exist, or because the condition is not fulfilled, or as the same inheritance is increased by the fruits matured from the time of the testator's death." Adhering to this doctrine of the eminent jurist, which clearly conforms to both justice and canonical equity, it was declared that the fruits to be invested should be for the benefit of the episcopal table, and consequently for the benefit of the present Bishop and other successors. However, this conclusion seemed to be contradicted by the aforementioned Pontifical Constitutions, by virtue of which the fruits from the goods of churches or benefices that were vacant formerly belonged to the Apostolic Chamber, and now belong to the Sacred Congregation for the Propagation of the Faith; otherwise, certain particular circumstances in which the successor Bishop was situated must be kept in mind. With these things presupposed, when, in a plenary meeting

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on February 8, 1913, the case was proposed, the Most Reverend Fathers decided to write: "Considering all the circumstances of the case, half of the fruits should be cautiously and usefully invested for the benefit of the episcopal table; and the other half should be given to the successor Bishop, with the condition 'cum Ssiko'." O. GIORGI, Secretary.

The Holy Congregation for the Propagation of the Faith: DECREE CONCERNING THE CHANGE OF NAME OF THE APOSTOLIC VICARIATES OF VICTORIA NYANZA.

At the request of the Reverend Father Henry Streicher, titular Bishop of Tabraca and Apostolic Vicar of Victoria Nyanza North, the Most Reverend Fathers of this Sacred Congregation for the Propagation of the Faith, having held plenary meetings on the 11th of the current month, decided that the name of the aforementioned Vicariate should be changed.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis - An official commentary which, in the future, shall be called Uganda (whose kingdom's territory is largely encompassed by the aforementioned Mission); furthermore, the Southern Vicariate, henceforth, shall be simply called Victoria Nyanza, without any addition. This decision, communicated by His Most Holy Lordship Benedict, of blessed memory, Pope XV, through the undersigned Secretary of the aforementioned Congregation, during the aforementioned hearing, was approved in its entirety by His Holiness, who deemed it fitting to be ratified and to order the present decree to be issued. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 15th of January, in the year 1915. Fr. H. M. CARD. GOTTI, Prefect. I* © S. C. Laurenti, Secretary. SACRED CONGREGATION FOR RITES

ROMAN DECLARATION AND EXTENSION OF INSIGNIA

The humble and devout prayers of Reverend Father John B. Vitale Barnabitae, parish priest of the church of Saints Blaise and Charles at Catinaria, and of the esteemed treasurer of the parishes of the beloved City and its district, along with the votes of the entire College, presented by the Most Eminent and Reverend Cardinal Vicar Basil Pompilj and reported to the Sacred Congregation for Rites by the undersigned Cardinal, were received with great favor by His Most Holy Lordship, Pope Benedict XV, who, firmly accepting them, deigned to declare and extend the privilege and the use of the insignia of the rochette and the palmatoria to the aforementioned parish priests and clergy, individually, by decree of the 11th of November last past, as follows:

I. The aforementioned parish priests, whenever legitimately convened, may wear the rochette when assisting collegially at sacred functions or when participating in processions, even before the Supreme Pontiff and

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everywhere.

II. If only some of the parish priests are present for their ministry and assist at sacred functions, for example, on the occasion of sacred missions, spiritual exercises, and similar events, they may wear the rochette.

[*Latin ed. p. 49*]

Sacred Congregation of Rites 49 • III. Finally, individual pastors may display their own insignia when exercising their pastoral ministry to their parishioners outside of their respective parish, for example, for the sake of baptisms, marriages, funerals, and wakes. However, it should be understood that these insignia are always excluded from the aforementioned Indults II and III in patriarchal basilicas, and also in filial churches, when the chapter of the patriarchal mother church is present. This present decree is valid perpetually, by the benevolent concession of the Most Holy Lord, with a dispensation from any Apostolic Brief. Notwithstanding any contrary provisions, even those deserving of special mention. December 23, 1914. SCIPIO CARD. TBCCHI, Sacred Roman College, Pro-Prefect. L. ffi S. f Petrus La Fontaine, Bishop of Charyste, Secretary. II MOLINES. DECREE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, LUDOVIGA THERESA DE MONTAIGNAC DE CHAUVANCE, FOUNDRESS OF THE PIOUS UNION OF OBLATES OF THE SACRED HEART OF JESUS. In the province of Normandy, called "Le-Havre-de-Grâce," in the diocese of Rouen, Ludoviga Theresa de Montaignac de Chauvance was born on May 14, 1820, of legitimate and noble parents, Amato and Anna de Ruffin. After being entrusted to her aunt, Ludoviga de Ruffin, she made great progress in virtues and good arts, and after the death of her aunt, she established a stable and permanent residence in the city of Montluce, in the diocese of Moulins. She desired to establish a special work for the preservation and promotion of the beauty of the house of God and of sacred furnishings, especially in poor churches. In the year 1852, in the house that she had built, adjacent to the homes of her family, she took care of gathering some poor orphans, thus sowing a fertile seed for the subsequent growth and establishment of an orphanage, to which she established, in its chapel, a work of Reparation, whereby pious women receive the most holy Sacrament of the Eucharist every fifth day, from the hour of the octave of the morning until the fourth hour of the afternoon. ACTA, TOI. V I I, n. 2. — January 22, 1915.

[*Latin ed. p. 50*]

50 Acta Apostolicae Sedis - The official commentary was publicly presented, and they alternated in offering prayers. The orphanage itself was subsequently expanded, and a new chapel was built in honor of the Most Sacred Heart. Within this chapel, the Pious Union of the Oblates of the Most Sacred Heart of Jesus was established, with its initial rules approved

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by the Ordinary on December 21, 1874. In the year 1879, a "Little School of the Infant Jesus" also originated, dedicated to fostering ecclesiastical vocations. As the Pious Union of the Oblates of the Most Sacred Heart of Jesus flourished day by day in various dioceses of France, in the year 1880, by decree of the General Chapter on May 17th, the community of Alet was appointed to oversee the administration of the entire Institute. This task, although undertaken by a body that was physically frail and weak, was carried out until her death. Furthermore, the Institute itself was finally granted definitive approval in the year 1895, ten years after the death of its foundress, after being commended with praise by the Apostolic See through a decree dated October 4, 1881. In the meantime, Ludovica Teresia, having been afflicted by prolonged and severe suffering and brought to the point of death, after being strengthened by the sacraments of the dying, and pouring out the sentiments of her piety towards the Most Sacred Heart of Jesus and the Blessed Virgin, finally freed her pious soul from the bonds of the body on June 27th of the year 1885, without any doubt of her sanctity. Consequently, investigations were initiated in the ecclesiastical court of Moulins regarding the reputation of her adorned life. After these investigations were completed and the documents were presented to the Sacred Congregation of Rites in Rome, and when, in accordance with legal procedure, everything was ready for the discussion of the cause, at the urging of the Reverend Father Raphael Maria Virili, titular Bishop of Troas, the Postulator of the cause, and with attentive letters of support from the illustrious families of Emperors and Kings, as well as from the Most Reverend Fathers Cardinals, and from the Most Reverend Archbishops and Bishops, Chapters, Superiors of Orders or Congregations, and other persons of ecclesiastical or civil distinction, the Most Reverend and Illustrious Cardinal Vincent Vannutelli, Bishop of Palestrina, the Promoter of the same cause, proposed the following question for discussion at the meetings of the Ordinary Congregation of the Sacred Rites, convened at the Vatican: "Should a Commission be appointed for the introduction of the cause, in this case and for the purpose in question?" And the Most Reverend Fathers entrusted with the safeguarding of the sacred Rites, after hearing the report of the Most Reverend Promoter, and after hearing the testimony in writing of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering all matters, decided to respond: "Affirmatively, or, a Commission should be appointed, if it pleases the Most Holy." On December 15, 1914. All of these matters were presented to the Most Holy Pope Benedict XV through the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, and His Holiness, approving the decree of the same Sacred Council, deigned to sign the Commission for the introduction of the

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cause with his own hand.

[*Latin ed. p. 51*]

The Holy Congregation of Rites, concerning the cause of the most pious Lady Louise Thérèse de Montaignac de Chauvance, foundress of the Pious Union of Oblates of the Sacred Heart of Jesus, on the 23rd of the same month and year. SCIPIO CARD. TECCHÎ, S. R. C., Pro-Prefect. L. C. S. f. Petrus La Fontaine, Bishop of Chariestien, Secretary.

THE HOLY ROMAN ROTA, VICARIATE APOSTOLIC OF SWEDEN, CONCERNING THE NULLITY OF MARRIAGE (HOOG-LAND-WAERN).

During the blessed reign of Pope Pius X, in the eleventh year of his pontificate, on the 19th of August, 1914, the Most Reverend Fathers Aloisius Sincero, Ponens, Joseph Mori, and Frederick Cattani, Auditors at Tournon, in the cause of the Vicariate Apostolic of Sweden – concerning the nullity of marriage, in an appeal promoted by the defender of the bond in the court of the aforementioned vicariate, between Mary Hoogland, the appellant, represented by her lawful procurator, the advocate Felix Gualandi, and Leonard Waern, the defendant, with the defender of the marriage, ex officio, present, rendered the following definitive judgment.

Mary Hoogland, approximately 24 years of age, and adhering to the Lutheran sect, contracted marriage before a civil magistrate in Amsterdam, in Holland, on the 14th of August, 1902, with Leonard Waern, who was also adhering to the Lutheran sect. Since neither the bridegroom nor the bride were bound by the law of Trent concerning either person or place, the marriage is, in fact, to be considered valid in its external form.

The spouses cohabited until the month of December, 1908; from that time onward, due to arising disagreements and the interrupted cohabitation, the woman sought to obtain a civil divorce, a judgment for which was rendered in the year 1912. Furthermore, Mary desired to enter into new marriage with a certain Catholic man.

[*Latin ed. p. 52*]

Acta Apostolicae Sedis – Official Commentary on the Conciliar Acts, declared the marriage null and void due to a defect of consent within the Vicariate Apostolic of Sweden, to which region the parties had already traveled as betrothed; for, as the plaintiff herself stated in the document presented to the ecclesiastical judge, Leonard Waern had married her for the purpose of having her as a companion who would properly fulfill the duties of honor in the home, and therefore he never intended to have marital relations with her. The Vicariate Court, on June 21, 1913, issued a favorable judgment for the plaintiff, declaring the alleged marriage null and void, although it stated that it was not sufficiently established that there was a lack of consummation, under which aspect the case had also been consid-

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ered. The defender of the marriage appealed, and the case came before our tribunal, to which it was referred for resolution by the Congregation for the Discipline of the Sacraments; and the matter is presented for discussion under the customary formula of doubt: Whether there is proof of the nullity of the marriage in this case. In law. The formal and essential object of marriage is the mutual right to cohabitation with a relative obligation, exclusive and perpetual, and of itself ordained for the procreation and subsequent upbringing of children (Card. Gasparri, *de matr.*, n. 7). Furthermore, the primary end of marriage is procreation, and therefore the education of children; the mutual aid and comfort, and other duties of the same kind, are only a secondary end of marriage (Gasparri, ibid., n. 9). Therefore, unity and indissolubility are the essential properties of marriage; theologians often call unity the *bonum fidei* (good of faith), while indissolubility is the *bonum sacramenti* (good of the sacrament) (Gasparri, ibid., n. 10). Therefore, if someone, when entering into marriage, excluded the formal and essential object of marriage with a serious, positive, and prevailing intention, he would certainly enter into a marriage that is not true and valid, but void. To the point, the cited Cardinal Gasparri, n. 919: "If one of the contracting parties has the intention of entering into marriage, but at the same time has an explicit and positive intention not to be obligated in any way, that is, he does not want to give or accept, but his intention excludes or limits its ordination to procreation, or to perpetuity, or to unity, saying not interpretively but positively in his mind: 'I want to enter into marriage, but I do not want to give the other party a perpetual and exclusive right,' it is undoubtedly the case that this contracting party sins in general; and moreover, the marriage is completely void due to a defect of consent. For since the right is relative to the obligation, if one party excludes or limits the marital obligation in his mind, he thereby excludes or limits the marital right, and therefore the marriage is deficient."

[*Latin ed. p. 53*]

Rome, Rota 53, "consent and marriage." Also, see De Lugo, *De Sacraments*, in general, discourse 8, section 8. This also applies if the contracting parties, or at least one of them, were to impose a condition or intention contrary to the essential properties of marriage (Sacred Congregation, May 20, 1754, and July 22, 1840). These conditions are indicated by Gregory IX in chapter 7, title 5, concerning conditions added. (See Gasparri, *loc. cit.*, no. 1000). However, with regard to conditions that oppose the three goods of marriage, Sánchez, *De Matrimonio*, book 2, discourse 29, no. 11, should be carefully considered: "The contracting party must at least intend the good of the sacrament, which happens when he does not have a contrary intention; however, it is not necessary to explicitly intend the other two goods of marriage; therefore, if he had a mind, even secretly, opposed to the good of the sacrament, because, for example, he intended not to enter

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into marriage except for a time, it would not be a true marriage; if, however, he had an intention contrary to the other two goods of marriage, secretly held in his heart and not brought into the agreement, it would be valid, just as if he intended to avoid children and not to raise them, to deny the debt, and to commit adultery." This opinion seems to be expressly that of St. Thomas, 4 distinct. 31, question 3, and of St. Bonaventure, there, article 1, 9, 3, who says: "Without the good of the sacrament, there is never a sacrament, but it can be without faith and offspring; however, it would not be a marriage if something contrary to faith and offspring were expressed in the consent"; thus, they say that only an intention contrary to the good of faith and offspring annuls marriage, when it is brought into the agreement. Having recalled these principles in law, concerning the facts, the Fathers of the Lord, after examining the acts of the process, maintained that in this case, the marriage should be declared null, due to the lack of the necessary intention, or marital consent. Regarding the intention with which the contracting parties entered into marriage before the civil magistrate, the actress Maria testified: "Before the marriage, there was an agreement between us, that if one of us wanted to obtain a divorce from the other contracting party, he would consent to the divorce." When asked by the judge whether, according to the Lutheran rite, they had celebrated a religious marriage, she replied: "We were content to enter into a civil marriage, because, according to the agreement made between us, we considered the religious rite to be alien or indecent to us." In other words, this marriage was contracted not with a true marital intention, or with the intention of obligating themselves perpetually, but only to maintain a good relationship before civil society, as the same actress declared in a given response: "We entered into a civil marriage because of the good relationship." And when questioned by the judge,

[*Latin ed. p. 54*]

Acta Apostolicae Sedis - Official Commentary 54, regarding what that signified, he responded: "Because of convenience, so that we might be considered 'married' before civil law and in the estimation of men." The husband's testimony also agrees with the actress's deposition, stating: "I, Leonard Waern, declare the following: 1° That when I entered into the civil marriage with Maria Hoogland, I did not have a true intention, valid for the whole of life, to contract a marriage with her, but I entered into this marriage solely for this reason, in order to have a companion who could properly fulfill the duties of honor towards others in the home; 2° That I told her that I would dismiss her if she were no longer pleasing to me because of her beauty." It cannot be said that in this case, the limitation of consent imposed by the spouses arose from a mistaken belief that they held, namely, being addicted to the Protestant sect, regarding the dissolubility of marriage; for in the specified case, the matter is not merely

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of a simple error, but there is a positive act of will excluding the perpetuity and indissolubility of the bond contracted by marriage, which is, in itself, sufficient to render it invalid according to the cause in Nicaea. - Nullity of Marriage, January 24, 1911, before Many and Neo-Eboracum. - Nullity of Marriage, March 1, 1913, before Cattani. Cardinal De Lugo states: "In the case of a simple error, there is only one and sufficient act of the will; in the case of intention, there are two acts of the will, mutually destroying each other, hence there is consent in marriage in the former case, but not in the latter." Therefore, the marriage should be considered null based on the declaration of the spouses, and this declaration could be maintained as sufficient according to what Sánchez states, in the aforementioned book, section 4, paragraph 1, because there is no danger of collusion, for as the Apostolic Vicar testifies, the man derives no benefit from it, and only the actress was concerned with obtaining a civil divorce. However, the Fathers of the Lord expounded that the aforementioned declaration should be strengthened by other testimonies. Indeed, the actress's mother, duly examined in the Harlem court, in response to the judge's question, "Did Leonard Waern truly declare to her that he wished to marry her daughter, Maria, for this one reason, in order to have a woman as a companion who could properly fulfill the duties of honor in the home, and did he have no intention whatsoever of having a marital life with her?" replied: "Yes, he revealed this intention to me before the marriage." Furthermore, there are the testimonies of the actress's older brother and his wife, who, regarding the proposed question, "Did Leonard Waern say to the witnesses before the marriage that it was not his intention to enter into a true marriage, valid for the whole of life, with Maria Hoogland?" answered: "He said this to us, and added..." Therefore, the simulated consent at the beginning of the marriage, as well as from the spouses' depositions...

[*Latin ed. p. 55*]

The Roman Rota, in 55 cases, has ruled in favor, and in seven cases, the decision has been confirmed by three other testimonies, and since, according to St. Dominic, "And if he will not hear thee, take with thee one or two more: that in the mouth of two or three witnesses every word may stand." (Matt 18:16), both in law (leg. Ubi numerus testium ff. de test., cap. In omni negotio extr. de test, et cap. Licet, eod. tit.) full proof is considered to be present; therefore, the Fathers of the Lord rightly judged that in the case of marriage, nullity sufficiently existed when proven by the testimonies. Moreover, there was an open reason for simulation, namely, the preservation of social propriety, so that the man would not appear to be a concubinarius, to whom marriage was an obstacle. Furthermore, it cannot be asserted that the nullity of the marriage was healed by a mutual renewal of consent during the cohabitation of the spouses from 1902 to 1908, for the spouses, when questioned about this, completely denied

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such a renewal. Thus, Leonardus Waern testified: "During the entire time that I lived with Maria Hoogland, I never had the intention of entering into a true marriage with her for life." This testimony is corroborated by the actress's subsequent statement: "Neither I, nor Leonardus Waern, ever signified to each other that we wanted to consider ourselves as spouses." The spouses' assertions are strengthened by the testimonies of witnesses who, in their concordant declarations, attest to their trustworthiness, and who relate matters pertaining to their conjugal life. When asked, "After the spouses had lived together in mutual charity and concord," they gave the following answers: the actress's older brother and his wife, who could only testify about the time of residence in Amsterdam, replied: "As long as they lived in a house in Holland, there could never be any talk of mutual charity." The actress's younger brother, who could testify about the entire period of the spouses' cohabitation, replied: "They did not live in mutual charity and concord." A witness, a relative of the defendant by the second degree, who knew him from childhood, replied: "The spouses, during the entire time (that is, from 1906, when he became acquainted with his wife), were always quite indifferent or negligent towards each other. After December 1908, peace should be considered completely disturbed." The wife of this witness replied: "In my estimation, these spouses did not have towards each other those feelings with which spouses ought to be united." These testimonies provide sufficient evidence of the non-revocation by the spouses of their prior intention, which is otherwise presumed to persist until the contrary is demonstrated. Furthermore, the Fathers of the Lord did not consider it to have any weight that the man refused to affirm under oath that there had been no intercourse between them during their cohabitation. For the actress, when questioned by the judge,

[*Latin ed. p. 56*]

56 Acta Apostolicae Sedis - Official Commentary: When questioned, she responded: "He (Leonard Waern) attempted, on one or perhaps two occasions, while in a state more or less intoxicated, to have relations with me; but I, mindful of my vow, affirm that this did not occur." And the actress, in a further deposition, gives an account of her rejection, because she knew that the same man was afflicted with a venereal disease; which is confirmed by the actress's own mother, who testified as follows: "Recently (Maria) told me that she had had some carnal intercourse with Leonard Waern. He, indeed, had many sweet words." Furthermore, even if such a union had taken place, it would have been consummated with a lustful intention and not with a marital intention, which the man always denied in his depositions. After all these matters have been considered, both in fact and in law, and invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, having confirmed the judgment of the Apostolic Vicariate of Sweden in

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this matter, declare, decree, and definitively pronounce: That the marriage between Maria Hoogland and Leonard Waern is null, or, responding to the proposed question: Affirmative. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to which this pertains, to enforce this judgment, and against those who resist, to proceed according to the norms of the sacred canons, especially chapter S, session XXV, concerning reform, of the Council of Trent, employing the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, in the seat of the Sacred Roman Rota, on the 19th of August, 1914. Aloisius Sincero, Presiding. I. Mori. F. Cattani. L.-8S. From the Chancery of the Sacred Roman Rota, 7th of November, 1914. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 57*]

In the Roman Rota, from the month of April to December of the year 1914, the following causes were heard in secret, and the definitive judgment is published only in part:

I. NULLITY OF MARRIAGE, based on the chapter concerning fear and affinity arising from an illicit union. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, S. Many, Ponens, P. Heiner, and I. Prior, Auditors of Tournon, on the 6th of April, judged that the answer should be: Negatively, in both respects. An appeal was interposed against this judgment.

II. NULLITY OF MARRIAGE, based on the chapter concerning impotence on the part of the husband. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, A. Perathoner, I. Alberti, Auditors of Tournon, and P. Rossetti, Ponens, on the 16th of May, judged that the answer should be: To consult concerning a dispensation from the Rota and from consummation.

III. PAROCHIAL JURISDICTION. The question proposed was: Should the judgment of the Rota of the 11th of February, 1912, be confirmed or annulled in this case? The Reverend Fathers, Doctors, S. Many, Ponens, F. Heiner, and I. Prior, Auditors of Tournon, on the 27th of June, judged that the answer should be: That the judgment of the Rota of the 11th of February, 1913, should be annulled.

IV. NULLITY OF MARRIAGE, based on the chapter concerning impotence on the part of the husband. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, I. Prior, Ponens, A. Sincero, and I. Mori, Auditors of Tournon, on the 6th of July, judged that the answer should be: Affirmatively.

V. NULLITY OF MARRIAGE, based on the chapter concerning clandestine marriage. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, I. Prior, Ponens, A. Sin-

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cero, and I. Mori, Auditors of Tournon, on the 11th of July, judged that the answer should be: Affirmatively.

VI. DAMAGES. The question proposed was: Should the judgment of the Rota of the 30th of March, 1914, be confirmed or annulled in this case? The Reverend Fathers, Doctors, Sebastianeiii Decanus, Ponens, P. Rossetti, and R. Chimenti, Auditors of Tournon, on the 22nd of August, judged that the answer should be: That the judgment of the Rota of the 30th of March, 1914, should be confirmed.

VII. NULLITY OF MARRIAGE, based on the chapter concerning the simulation of consent. The question proposed was: Should the judgment of the Rota of the 28th of January, 1914, be confirmed or annulled in this case? The Reverend Fathers, Doctors, F. Heiner, Ponens, I. Prior, and A. Sincero,

[*Latin ed. p. 58*]

58 Acta Apostolicae Sedis - Official Commentary. The Auditors from Tournon, on the 28th of November, judged that a response should be given: The Royal Sentence should be declared invalid, or it does not establish the nullity of the marriage in this case. An appeal was interposed against the sentence. VIII. SOLUTION. The following questions were proposed: 1) Whether and what sum N. is due, whether it was deposited by the Chapter or with the Curia; 2) Whether and by whom the restitution of damages is due, etc. The Most Reverend Fathers, DD. I. Mori, Ponens, F. Cattani, and A. Perathoner, Auditors from Tournon, judged that a response should be given on the 7th of December: 1) Regarding the first, it is to be considered that the sum is due from the Chapter; in the remaining points, negatively; 2) Regarding the second, negatively. From the Chancery, 14th of January, 1915. Sac. T. Tani, Notary. SECRETARY OF STATE. By means of the tickets of the Secretary of State, the Holy Father has deigned to appoint: 14th of January, 1915. — The Most Reverend Cardinal Filippo Giustini, Protector of the Congregation of the Sisters of the Most Holy Sacrament, who have their motherhouse in Valence-sur-Rhône. 19th of January. — The Most Reverend Cardinal Gennaro Granito Pignatelli di Beimonte, Protector of the Sisters of the Holy Family. — The same Most Reverend Cardinal, Perpetual Director of the Venerable Archiconfraternity of the Lovers of Jesus and Mary at Calvary. — The Most Reverend Cardinal Filippo Giustini, Protector of the Congregation of the Brothers of Charity. 20th of January. — Mons. Carlo Perosi, Regent of the Apostolic Penitentiary, Consultant of the Supreme Sacred Congregation of the Holy Office.

[*Latin ed. p. 59*]

Diary of the Roman Curia 59

OFFICE OF THE PAPAL MAJORDOMO

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By order of His Holiness, the following are appointed:

Extraordinary Secret Chamberlains to His Holiness:

November 9, 1914. — Mons. Guido de Gentili, of the diocese of Trent.

— Mons. Lodovico Ecchelli, of the same diocese.

— Mons. Luigi Sartori, of the same diocese.

— Mons. Luigi Brugnolli, of the same diocese.

— Mons. Edoardo Endrici, of the same diocese.

— Mons. Giuseppe Niglutsch, of the same diocese.

November 10. — Mons. Giovanni Bottio, of the diocese of Treviso.

— Mons. Luigi Brusattin, of the same diocese.

— Mons. Alessandro da Re, of the same diocese.

November 12. — Mons. Matteo Cvetko, of the diocese of Segna.

— Mons. Giovanni Vidas, of the same diocese.

— Mons. Francesco Lorbeck, of the same diocese.

— Mons. Carlo Smokvina, of the same diocese.

— Mons. Giovanni Starcëvié, of the same diocese.

— Mons. Giuseppe Franöiskövie, of the same diocese.

— Mons. Antonio Loncarié, of the same diocese.

November 18. — Mons. Geysa Csothi, of the diocese of Veszprimia.

— Mons. Stefano Hanauer, of the same diocese.

— Mons. Ladislao Szántó, of the same diocese.

— Mons. Giuseppe Lukcsics, of the same diocese.

— Mons. Giuseppe Vida, of the same diocese.

— Mons. Vittorio Radványi, of the same diocese.

— Mons. Giuseppe Pályi, of the same diocese.

— Mons. Bernardo Marenco, of the diocese of Fossano.

November 21. — Mons. Giovanni Pasquazi, of the diocese of Palestrina.

November 23. — Mons. Matteo Polonijo, of the diocese of Veglia.

— Mons. Ferdinando Fischer, of the Apostolic Vicariate of Saxony.

— Mons. Ansgario Manfroni, of the same Apostolic Vicariate.

November 26. — Mons. Melchiorre Formaglio, of the diocese of Padua.

— Mons. Ansgaro Borsiczky, of the diocese of Giavarino.

November 30. — Mons. Tommaso Buholzer, of the diocese of Basle and Lugano.

— Mons. Giulio Müller, of the diocese of Münster.

[*Latin ed. p. 60*]

60 Acta Apostolicae Sedis - Officiale Commentarium, 30 November 1914.

— Monsignor Vincenzo Schembri, of the diocese of Malta. 4 December.

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— Monsignor Anthony Iadanza, of the diocese of Télese or Cerreto. — Monsignor Adolfo Leone, of the same diocese. — Monsignor Giovanni Battista Cheso, of the diocese of Parma. — Monsignor Alessio Usënicnik, of the diocese of Lubiana. — Monsignor Anthony Zupanciö, of the same diocese. — Monsignor Tommaso Zupan, of the same diocese. 5 December. — Monsignor Lorenzo Perosi, of Rome. — Monsignor Domenico Gobetto, of the archdiocese of Turin. — Monsignor Gaetano Vitali, of the diocese of Comacchio. — Monsignor Giuseppe Ronza, of the archdiocese of Vercelli. 7 December. — Monsignor Bernard Giuseppe Eras, of the diocese of Bois-le-Duc. — Monsignor Gian Luigi Barge, of the diocese of Como. — Monsignor Giuseppe Carughi, of the same diocese. — Monsignor Giuseppe Cattaneo, of the same diocese. — Monsignor Giov. Battista Gianera, of the same diocese. — Monsignor Tommaso Verga, of the same diocese. — Monsignor Giuseppe Sandalgian, of the Armenian Patriarchate of Zülz. — Monsignor Tommaso Novella, of the archdiocese of Vercelli. — Monsignor Michele Fernicola, of the archdiocese of Conzä. — Monsignor Raffaele Acocella, of the same archdiocese. — Monsignor Anthony Cestone, of the same archdiocese. — Monsignor Gelsomino Onesti, of the diocese of Campagna. — Monsignor Lorentino Magnanini, of the diocese of Arezzo. — Monsignor Agostino Mucci, of the diocese of Arezzo. 10 December. — Monsignor Paolo Müller Simonis, of the diocese of Strasburgo. — Monsignor Giovanni de Marcy, of the diocese of Loreto. — Monsignor Domenico Muriana, of the archdiocese of Turin. — Monsignor Leopoldo Capitani, of Rome. — Monsignor Giuseppe Vincenzi, of the diocese of Como. — Monsignor Angelo Fongoli, of the diocese of Foligno. 12 December. — Monsignor Giovanni Ferro, of the Patriarchate of Venice. 13 December. — Monsignor Alfonso Greco, of Rome. 14 December. — Monsignor Giovanni Andreucci, of the diocese of Spoleto. 16 December. — Monsignor Ferdinando Sandorffy, of the diocese of Alba Reale. — Monsignor Pietro Scarponi, of the diocese of Macerata. — Monsignor Paolo Pimpinella, of the diocese of Gaeta. — Monsignor Giovanni Antonio Peretti, of the diocese of Novara. — Monsignor Luigi Pattaroni, of the same diocese. — Monsignor Ubaldo Mannucci, of Rome. — Monsignor Giovanni Lucca. 21 December. — Monsignor Pietro Trucco, of the diocese of Fossano. 22 December. — Monsignor Giuseppe Pierleoni, of the diocese of Norcia.

[*Latin ed. p. 61*]

"Diary of Rome," December 6, 1914. — Monsignor Andrea Damen, of the diocese of Bois-le-Duc. — Monsignor Luigi Chiodin, of the Patriarchate of Venice. — Monsignor Enrico Benedetti, of Rome. — Monsignor Giorgio Terzibascian, of the same Patriarchate. — Monsignor Andrea Alessandrian, of the same Patriarchate. — Monsignor Antonio Leonardi, of the diocese of Trento. — Monsignor Giuseppe Luigi Delaney, of the diocese

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of Albany. December 23. — Monsignor Cesare Mambretti, of the Archdiocese of Milan. — Monsignor Alessandro Marchi, of the same Archdiocese. December 25. — Monsignor Francesco Rossi Stockalper, of Rome. — Monsignor Giovanni Battista Ogno Serra, of Rome. — Monsignor Enrico Gasparri, of Rome. — Monsignor Giuseppe Bruno, of Rome. — Monsignor Raffaele Todini, of the diocese of Veroli. — Monsignor Clemente Micara, of Rome. — Monsignor Francesco Marchetti Selvaggiani, of Rome. — Monsignor Emanuele de Sarzana, of Rome. — Monsignor Giambattista Federico Vallega, of Rome. — Monsignor Filippo Cortesi, of Rome. — Monsignor Benedetto Aloisi Masella, of Rome. — Monsignor Alessandro Solari, of Rome. — Monsignor Giuseppe Apap Bologna, of Rome. January 13, 1915. — Monsignor Luigi Vason, of the Patriarchate of Venice. — Monsignor Enrico Carusi, of Rome. January 15. — Monsignor Sigismondo Gyömörey, of the diocese of Cinque Chiese. — Monsignor Francesco Virag, of the same diocese. — Monsignor Dionisio Mosonyi, of the same diocese. — Monsignor Vincenzo Maria Aceves, of the Archdiocese of Guadalajara. January 18. — Monsignor Pietro Bonnilli, of the Archdiocese of Spoleto. January 19. — Monsignor Enrico Veijs, of the diocese of Ruremonda. — Monsignor Adolfo áelbiky, of the diocese of Leitmeritz. — Monsignor Nazzareno Cignitti, of the diocese of Subiaco. — Monsignor Romolo Molaroni, of the diocese of Pesaro. — Monsignor Roberto Bracci, of the same diocese. — Monsignor Achille Garletti, of the same diocese.

Honorary Chaplains wearing the peacock blue cassock of His Holiness: November 7, 1914. — Monsignor Giovanni Peiffer, of the Archdiocese of Colonia. November 18. — Monsignor Paolo Csucsay, of the diocese of Veszprimia. — Monsignor Ludovico Ludovici, of the Archdiocese of Camerino. — Monsignor Giulio Chauffât, of the diocese of Losanna and Geneva. — Monsignor Emidio Tagnozzi, of the diocese of S. Miniato. — Monsignor Luigi Morelli, of the Archdiocese of Brindisi.

[*Latin ed. p. 62*]

6. "Acta Apostolicae Sedis" - Official Commentary, November 21, 1914. — Monsignor Andrea Kriston, of the archdiocese of Agria. November 23. — Monsignor Aureliano Schiavone, of the diocese of Larino. — Monsignor Rocco Stuparich, of the diocese of Veglia. — Monsignor Giuseppe Körmendy, of the diocese of Veszprimia. — Monsignor Antonio Lérânuth, of the same diocese. — Monsignor Giuseppe Bontz, of the same diocese. — Monsignor Stefano Fater, of the same diocese. November 25. — Monsignor Calogero Licata, of Rome. November 26. — Monsignor Paolo Gladich, of the diocese of Giavarino. — Monsignor Stefano Paar, of the same diocese. November 30. — Monsignor Giuseppe Arnoldo Doebeli, of the diocese of Basle and Lugano. — Monsignor Enrico Ludovico Keiser, of the same diocese. — Monsignor Alberto Meyenberg, of the same diocese. — Monsignor Ludovico Rocco Schmidlin, of the diocese of Basle and Lugano. —

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Monsignor Francesco de Segesser, of the same diocese. — Monsignor Eugenio Folletête, of the same diocese. — Monsignor Emilio Nünlist, of the same diocese. — Monsignor Giovanni Carosi, of the diocese of Chiusi and Pienza. — Monsignor Anacleto Cristofori, of the diocese of Città della Pieve. December 4. — Monsignor Michele Arko, of the diocese of Lubiana. — Monsignor Francesco Dovgan, of the same diocese. — Monsignor Eugenio Lampe, of the same diocese. December 5. — Monsignor Antonio Relia, of Rome. December 7. — Monsignor Stefano Piccinelli, of the diocese of Como. — Monsignor Alfredo Miotti, of the same diocese. — Monsignor Nicola La Mattina, of the diocese of Campagna. December 9. — Monsignor Giuseppe Antonelli, of Rome. — Monsignor Carlo Scifoni, of Rome. — Monsignor Aristide Gasparri, of Rome. December 10. — Monsignor Giuseppe Hoptaetter, of the diocese of S. Ippolito. December 16. — Monsignor Carlo Cesca. — Monsignor Oreste Compagnucci, of Rome. — Monsignor Felice Fortina, of the diocese of Novara. — Monsignor Francesco Mazzarella, of the diocese of Alife. — Monsignor Lauro Ferrari, of the diocese of Tortona. December 22. — Monsignor Antonio Kobliha, of the archdiocese of Olmütz. — Monsignor Giuseppe Svoboda, of the archdiocese of Brunn. — Monsignor Giovanni Battista Donato, of the diocese of Padova. — Monsignor Giovanni Miskgiem, of the Patriarchate of Constantinople. — Monsignor Felice Bevilacqua, of Rome. — Monsignor Erminio Jasoni, of Rome. December 25. — Monsignor Francesco Stoppa Guioni, of the diocese of Albano.

[*Latin ed. p. 63*]

Diarium Romanae Curiae 63, December 25, 1914. — Monsignor Pietro Biagioli, of Rome. — Monsignor Francesco Cesarini, of Rome. — Monsignor Giuseppe Temofonte, of Rome. — Monsignor Antonio Simoni, of Rome. — Monsignor Lorenzo Schioppa, of Rome. January 11, 1915. — Monsignor Adolfo Massimo Gómez de Faria, of the Patriarchate of Lisbon. — Monsignor Gioacchino De Gesus Gomes, of the same Patriarchate. — Monsignor Giovanni Chinaglia, of the diocese of Adria. — Monsignor Nicola Rocco, secretary of the nunciature. January 19. — Monsignor Alfredo Gori, of the archdiocese of Lucca.

Honorary Chaplains *extra Urbem* of His Holiness: November 9, 1914. — Monsignor Gioacchino Bazzanella, of the diocese of Trento. — Monsignor Luigi Rabenser, of the same diocese. November 18. — Monsignor Giorgio Simon, of the diocese of Veszprimia. — Monsignor Agostino De Razza, of the diocese of Ugento. December 5. — Monsignor Francesco Paolo Grassi, of the diocese of Tricarico. December 16. — Monsignor Emilio Schmitz, of Rome.

Secret Chaplains of Sword and Cape, *supernumerarii* of His Holiness: November 10, 1914. — Mr. Antonio Bottero, of the diocese of Treviso. November 12. — Mr. Count Carlo Alberto Joctean, of the archdiocese of Turin. — Mr. Augusto Leone Kenny, of the archdiocese of Melbourne.

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November 18. — Mr. Tommaso Grattan Esmonde. November 21. — Mr. Count Ignazio Sangiust, of the archdiocese of Cagliari. — Mr. Count Giacomo Masolini, of the archdiocese of Bologna. — Mr. Count Salvatore de Ciutiis, of the archdiocese of Naples. November 23. — Mr. Baron Adolfo de Schönberg-Thammenhain, of Dresden. — Mr. Alessandro de Pereira, of Dresden. December 2. — Mr. Count Gabriele Edoardo Espierre, of the diocese of Lugano. December 10. — Mr. Francesco Sardi, of the barons of Rivisondoli, of the diocese of Sulmona. — Mr. Carlo Savigny, of the diocese of Fulda. — Mr. Luigi Carbery Ritchie, of the archdiocese of Philadelphia. December 12. — Mr. Baron Cristiano de Berckheim, of the archdiocese of Freiburg im Breisgau.

[*Latin ed. p. 64*]

64 Acta Apostolicae Sedis - Official Commentary, December 16, 1914. — Mr. Edoardo Agius, of the archdiocese of Westminster. — Mr. Carlo Guglielmo Clifford, of the diocese of Shrewsbury. December 22. — Mr. Carlo Giacomo Scott Spedding, of the archdiocese of Westminster. — Mr. Leonardo Lindsay, of the same archdiocese. — Mr. Count Marino Saluzzi di Carigliano, of the archdiocese of Naples. January 9, 1915. — Mr. Martino Bernardini, of the archdiocese of Lucca. January 19. — Mr. Count Paolo Dinet, of the diocese of Moulins. — Mr. Count Giuseppe Carlo Moore, of the archdiocese of Westminster. Honorary Knights of the Order of the Sword and Mantle, extraordinary: December 5, 1914. — Mr. Livio Carimini, of Rome. December 16. — Mr. Giacomo Salvatori, of Rome. December 22. — Mr. Carlo Bronzuoli, of the archdiocese of Florence. Secret Honorary Chaplains of His Holiness: November 7, 1914. — Monsignor Casimiro Monti, of the diocese of Ischia. November 18. — Monsignor Antonio Strausz, of the diocese of Veszprimia. — Monsignor Lodovico Vegele, of the same diocese. November 23. — Monsignor Francesco Luttor, of the same diocese. December 7. — Monsignor Pietro Majolani, of the diocese of Como. December 9. — Monsignor Domenico Facchini, of Rome. December 10. — Monsignor Pietro Tosti, of the diocese of Foligno. December 22. — Monsignor Bartolomeo Clementini, of the patriarchate of Venice. January 19, 1915. — Monsignor Armando Cavallini, of the archdiocese of Pisa.

[*Latin ed. p. 65*]

Year VII - Vol. VII, February 8, 1915, No. 3

ACTA APOTOLICAE "SEDIS"

OFFICIAL COMMENTARY

SUPREME SACRED CONGREGATION OF THE HOLY OFFICE

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(SECTION FOR INDULGENCES)

I. DECREE: GRANTING OF THREE HUNDRED DAYS' INDULGENCE FOR THE PRAYER PROPOSED BY THE MOST HOLY FATHER.

On January 21, 1915, the Most Holy Father, Pope Benedict, of blessed memory, Pope XV, during an audience granted to the Reverend Father, Prefect of the Holy Office, deigned graciously to grant that the faithful, reciting at least with a contrite heart the prayer established by the decree of January 10, 1915, to implore peace in the present, most bitter conflict of nations, proposed by His Holiness, may obtain, each time they perform this act, the indulgence of three hundred days, applicable also to the souls of the departed.

This remains valid with the aforementioned conditions in force.

Notwithstanding any contrary provisions.

R. CARD. MERRY DEL VAL, Secretary.

L. © S. f Donatus, Archbishop of Ephesus, Prefect.

ACTA, vol. VII, no. 3. – 8-2-1915. 5

[*Latin ed. p. 66*]

66 Acta Apostolicae Sedis - Official Commentary II. A DECREE IS GRANTED: A PRIVILEGE FOR MISSES CELEBRATED IN SUFFRAGE FOR THOSE WHO, PERISHED IN THE PRESENT WAR, ARE DETAINED IN PURGATORY. On January 28, 1915, Our Most Holy Lord, Pope Benedict, of blessed memory, XV, moved by the ardent and constant zeal of charity towards those who, having died, are undergoing just punishments in Purgatory, in an audience granted to the Most Reverend Father, Prelate, Assessor of the Holy Office, deigned graciously to grant that all Masses, which any priest may celebrate in suffrage for the souls of those who have perished and will perish in the present calamitous war, may be of such benefit to them as if they had been celebrated on a privileged altar. This shall be valid in the present year, without any Brief being required, notwithstanding any contrary provisions. Most Reverend Cardinal Merry del Val, Secretary. L. f. S. f. Donatus, Archbishop, Assessor. III. A DECREE IS DEROGATED: A CERTAIN CLAUSE IN FAVOR OF PRIESTS CONCERNING THE PIOUS BLESSING DURING TIME OF WAR. On February 4, 1915, Our Most Holy Lord, Pope Benedict, of blessed memory, XV, in an audience granted to the Most Reverend Father, Prelate, Assessor of the Holy Office, graciously granted that any priest, whether secular or regular, who has obtained from the Apostolic See, directly or indirectly, the faculty to bestow the pious blessing with the application of indulgences, and who exercises this ministry among the soldiers of the nations, that is, among those who are engaged in war at this time, or who are in any way among them, shall not be subject to the clause which is usually added: "with the consent of the Ordinary of the place in which the

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faculty is exercised." This shall be valid in the present year, provided that the same circumstances of affairs continue. Notwithstanding any contrary provisions. Most Reverend Cardinal Merry del Val, Secretary. L. f. S. f. Donatus, Archbishop, Assessor.

[*Latin ed. p. 67*]

SACRED CONGREGATION OF THE COUNCIL, FOSSANO.

MIDDLE YEAR. December 12, 1914.

Statement of Facts.

In the year 1913, a certain priest, having been provided to a canonry and prebend in the cathedral church of Fossano by Apostolic Bulls, refused to pay the half-year's rent, which is called the "sacristan's half-year," of the same church. When the other canons opposed him, citing the precept explicitly contained in the chapter statutes, regarding the half-year's rent, "which from every provided person, without exception, must be delivered within two years to the canonical treasurer of the Chapter, for the sole use of the church, according to the prescription of Benedict XIII in his Constitution *Pius et misericors*, issued on April 28, 1725," the aforementioned canon challenged the very words of the Constitution of Benedict XIII, in which it is stated, "they are to pay and, respectively, deposit the half-year's rent for the building of the church... provided that [benefits] of collation, institution, and provision from the Holy See are entirely lacking." With these words, the canon asserted that the case in which he found himself was included, and he maintained that he was exempt. This argument, however, appeared so compelling to two other canons, who had also been provided with benefits by Apostolic Bulls, that these, agreeing with the aforementioned canon, seemed to demand that the half-year's rent, which had already been paid, be returned to them as an undue payment. To this end, in a chapter meeting held on August 12, 1913, after reading the aforementioned Constitution, they proposed that the Chapter should "recognize the strict provision of the Bull *Pius et misericors* by which those invested with Bulls are completely exempt from the payment of the aforementioned half-year's rent." However, the Chapter, by a much larger number of votes (eight out of eleven), rejected this proposal; therefore, the three aforementioned canons appealed to this Sacred Congregation.

Summary of the Dispute.

The principal legal argument upon which the petition of the appellants is based is provided by the clear words of the aforementioned Benedictine Constitution. For it is this Constitution, according to the chapter statutes, which is the basis for the right to receive the half-year's rent; and yet, in it, those provided by Apostolic Bulls are explicitly exempted from this obligation. The causes and reasons for this exemption (although these are super-

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fluous in the clear meaning of the law) can be easily shown;

[*Latin ed. p. 68*]

68 Acta Apostolicae Sedis - The Official Commentary, indeed, demands due reverence to the Holy See, which does not permit any imposition of burdens that would diminish the benefits generously conferred; also, the amount paid for the dispatch of Apostolic Bulls is the *summa*, which, either because it is deemed by the Holy See to be a necessary expense for the proper functioning in other cases, or because it is not to be increased by the accumulation of another charge. Conversely, the primary reason why the request of the petitioners appears to be inadmissible is the thirty-year or longer custom prevailing in the Chapter of Fossan, explicitly established in the chapter statutes, according to which all new canons, without any exception, are obligated to pay half the annual dues within two years of receiving possession; regarding which, each individual must also make a specific oath in this form: "to observe the statutes and laudable customs of this R[oman] Chapter, and also to pay half the annual dues, as is customary, to the treasury of the same church, within two years"; which oath the aforementioned three petitioners have already made. This custom, in the first place, is shown to be much older by the very Benedictine Constitution, which was issued in the year 1725. Indeed, in the records of the year 1562, there is found "the obligation of the Reverend Guid[o], the prelate, to pay 28 *scuta* of gold to the Chapter for the grain received by him from the fruits of the first year of the benefice"; moreover, in the year 1570, mention is already made "of certain statutes and a long custom of applying the fruits of the first year to the Church"; and no other change in this matter has been made, except what was ordered by the Constitution *Durum nimis*, of Pope Pius V, on June 13, 1570, so that from the year 1570, not the entire fruit of the year, as before, but only half of it should be paid to the treasury of the Church; which has been observed ever since, even in the foundation of other canonries in the same church (in the years 1622 and thereafter). Furthermore, the three canons who brought the case admit that no one, whether provisioned by the bishop or by Apostolic Bulls, has ever been exempt from this payment, except for special merits and acts of generosity already conferred upon the church; which has only happened three times, after explicit deliberation by the Chapter and with the consent of the bishop. From the records, it is clear that, from the year 1725, when the Benedictine Constitution came into force, out of 138 canons, 76 were provisioned by Apostolic Bulls, and all of them paid half the annual dues according to custom. For this very reason, because the custom in question is much older than the Benedictine Constitution, it appears that the payment of half the annual dues in the cathedral of Fossan does not follow the other rules and prescriptions of the aforementioned law: for example, uncertain fruits are excluded from the calculation, whereas the Constitution includes

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them; and the payment is required only within two years, contrary to what is prescribed in the aforementioned Constitution, etc. Considering these things, the crux of the controversy, indeed the entire case, seems to come down to this: whether the prescription for paying half the annual dues can be maintained and regulated solely by custom, even after the Benedictine Constitution, or rather, whether, after this law, it must be entirely reduced to its form.

[*Latin ed. p. 69*]

Sacred Congregation of the Council, 69. If, indeed, the first [option] is taken, then, since custom in this case does not constitute an exception, but rather positively includes, even for those provided for by Apostolic Bulls, it must be determined that these [parties] are also subject to the customary obligation; if the second [option] is taken, since the clear words of the Constitution do not obligate those provided for by Apostolic Bulls to bear this burden, then the decision must be made in favor of freedom. But, moreover, from what has been narrated, it also becomes clear, which is further confirmed by many other testimonies, that the right to collect the "media annata" arose in some places by custom, which decrees of bishops and Pontifical Constitutions (e.g., *Durum nimis*, of Pius V, June 13, 1570; *Ecclesiae Catholicae*, of Innocent XII, in the year 1695) approved and regulated: cf. also Council of Trent, chapter 14, session 24, on Reform. However, at the time of Benedict XIII, there were also many churches in Italy and the adjacent islands in which this praiseworthy custom had not yet been introduced; therefore, the same Supreme Pontiff, in his Constitution *Pius et misericors*, dated April 28, 1725, ordered that all churches in the aforementioned territories should "collect the 'media annata'," establishing appropriate regulations for the same, among which was the provision that they should be exempted from the burden provided for by Apostolic Bulls. This Supreme Pontiff, however, did not obscure the nature of his Constitution, which was issued as a supplement to, and not a replacement of, the usefulness of customary law in this matter, with these words: "They are to collect and deposit the 'media annata' for the construction of the church... "provided that... or even if a legitimate custom of collecting or waiving the fruits of six months, or a similar, but not lesser, sum in favor of the construction or sacristy, does not exist; in either case, nothing is to be collected or deposited for the aforementioned construction." From these words, it seems that the term "media annata" is uniquely reserved for the obligation that originates from this Constitution, and that its norms should be strictly followed. However, the difficulty that arises from the words contained in the chapter statutes of the year 1886, where mention is made of the "media annata" "according to the prescription of Benedict XIII in his Constitution *Pius et misericors*," seems to be of no importance: not only because these words are lacking in all the older statutes, e.g., of

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the year 1838; but also because, in their context, they do not express anything other than the need to make use of the fruits of the "media annata" received; the complete quoted words read as follows: "Except for half of the fruits of the first year, which, without exception, within two canonical years shall be delivered to the canonical treasurer, to be used solely for the benefit of the church, according to the prescription of Benedict XIII in his Constitution, etc." Therefore, these words are more in agreement with the diocesan synod of the year 1882 (in which the statutes were revised), where it is read: "If anything remains from the revenues of the church, whether from the proceeds of alms, or from the right to collect the 'media annata,'... then the Constitution *Pius et misericors* of Benedict XIII must be kept in mind, in which the method by which the surplus is to be disbursed is prescribed, etc." Finally, the arguments that impose, in this case, even on those provided for by benefits through Apostolic Bulls, a minimum requirement, must not be overlooked.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis – The official commentary demonstrates the customary obligations. Indeed, in the aforementioned cathedral of Fossano, the canons contribute nothing further to the ordinary for the expenses of the building – that noble and ancient structure – the furnishings, the sacred vessels, etc.: all these expenses are borne by the sacristy, which allocates whatever it receives by right from the half-annate. Moreover, upon the death of any canon, the sacristy defrays whatever expenses are incurred for the funeral, and also provides the wax for the Mass celebrated in the presence of the deceased and on the seventh day; this privilege is considered compensation for the half-annate once paid in full. Furthermore, at the plenary assembly on December 12, 1914, the question to be resolved was proposed with the following formula: "Whether the canons of the cathedral church of Fossano, benefiting from provisions granted by Apostolic Bulls, are exempt from the obligation of paying the customary half-annate in the case [of a vacancy]." The Fathers, after revising the question as follows: "Whether the canons of the cathedral church of Fossano, benefiting from provisions granted by Apostolic Bulls, are exempt from the obligation of paying the customary contribution in the case [of a vacancy]," decided that the answer should be: "No." This resolution was approved by His Most Holy Eminence, Benedict, Divine Providence, Prefect of the Sacred Congregation, XV. O. GIORGI, Secretary. NOMINATION: A brief Apostolic nomination was issued: January 13, 1915. – The Apostolic Vicar of Loango in the Congo, and titular Bishop of the church of Obba, Reverend Father Leo Girod, a member of the Congregation of the Holy Spirit and the

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Immaculate Heart of the Blessed Virgin Mary.

[*Latin ed. p. 71*]

The Holy Congregation of Rites.

71. The Most Holy Congregation of Rites has received a respectful request for a solution to the following doubts:

I. If the Feast of the Circumcision of Our Lord Jesus Christ be the titular feast of a church or institute, and is to be observed with a double rite of the first class, with the octave, on the days of January 3rd and 4th, which are the days within the octave, with the second prayer; and on January 7th, which is the second day within the octave of Epiphany, with the commemoration of the octave of the Circumcision, what will be the third prayer to be said in the Mass?

II. In the Roman Ritual, edition by the printers, Title IV, Chapter II, where the order for administering the Holy Communion is described, both outside of Mass, and before or after the same, and also within Mass, at number 11, it states: "The priest offers the Eucharist for Communion, beginning with the ministers of the altar, if they wish to receive." Also, in the decree number 1074, of the Gauls, July 13, 1658, in the proposed doubt: "Whether, in Communion within Mass, the Most Holy Eucharist should first be administered to the minister serving at Mass, before nuns or others present there?" The Holy Congregation of Rites ordered that it should be answered: "In the aforementioned case, the minister of the sacrifice is to be preferred to others, not by reason of precedence, but by reason of ministry, although they may be more worthy." Therefore, the question arises: "Whether the term 'minister of the altar' or 'minister of the sacrifice' in these and similar documents of the Holy Congregation of Rites should be restricted exclusively to those who are already in the minor orders, or at least tonsured, or rather, should the term 'minister' be understood to mean all those, whether lay or clerical, who serve at Mass?"

And the same Holy Congregation, after hearing the opinion of a special Commission, and after careful consideration of all matters, decided that the following answers should be given to the questions:

To I. In this case, the third prayer will be of the Holy Spirit.

To II. By the name 'minister of the altar' or 'minister of the sacrifice' of the Mass, is meant any cleric or lay person, serving at the altar during Mass, who is to be preferred to others in the distribution of the Holy Synaxis; provided, however, that caution is taken that a lay person serving should not...

[*Latin ed. p. 72*]

Acts of the Apostolic See – The following are permitted for clerics, and for those of a lesser order who are instituted in a higher order, or for persons who may possess a higher liturgical dignity, either by their office

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(such as kings) or by accident (such as those who are sponsors at a Mass for the blessing of marriages). And thus it was decreed and declared. On January 30, 1915. SCIPIO CARD. TECCHI, S. R. C., Pro-Prefect. Petrus La Fontaine, Bishop of Charystenes, Secretary. DECLARATION CONCERNING THE ABSOLUTION TO BE GIVEN TO SOLDIERS CALLED TO BATTLE. Regarding this sacred penitential question: "Is it permissible to absolve soldiers called to battle, before they are admitted to the Holy Communion, with a general formula, or common absolution, without prior confession, when their number is so great that each one cannot be heard, having duly expressed the act of sorrow?" The same sacred Penitentiary, after mature consideration of the matters presented, with the benevolent assent of our most holy Lord Pope Benedict XV, judged that the following should be answered: "Affirmatively. And nothing prevents those thus absolved from receiving the Holy Eucharist under the aforementioned conditions. However, chaplains of the military should, when the opportunity arises, teach them that such an absolution will not be beneficial unless they are properly disposed, and that they remain fully obligated to perform their confession in due time, if danger arises." v. Notwithstanding any contrary opinions. Given in Rome, in the sacred Penitentiary, on February 6, 1915. Carolus Perosi, Sacred Prelate, Regent. Iosephus Palica, Sacred Prelate, Secretary.

[*Latin ed. p. 73*]

SACRED ROMAN ROTA in LONDON. During the blessed reign of Pope Pius X, in the twelfth year of his pontificate, on the 5th of August, 1914, the Most Reverend Fathers and Doctors, Joseph Mori, Ponens, Frederick Cattani, and Anthony Perathoner, Auditors in turn, in the cause of London – concerning the dismemberment, between Lucian A. Beaudoin, a priest of the Blessed Virgin of the Lakes, the plaintiff, represented by his lawful procurator, the advocate Vincent Sacconi, and the advocate Angel D'Alessandri, intervening and disputing on behalf of the fisc, rendered the following final judgment. The priest Lucian A. Beaudoin obtained, in the year 1891, what was considered a parish or mission, which had been established since the year 1884, in the church of the Blessed Virgin of the Lakes, located near the town of Walker ville, and he diligently exercised his pastoral zeal in that vast territory, whether by establishing Catholic schools, or by rebuilding the parish church, which had been consumed by fire in the year 1907, or by performing other pious works. As the number of the faithful increased from day to day, and especially because, within the limits of the parish, several mechanical workshops, commonly called "steel mills," and other similar establishments were being established, attracting many workers from elsewhere, the then actual bishop of the diocese of London, in the province of Ontario, Canada, Michael Fallón, deeply concerned for the care and propagation of the Catholic religion,

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began to consider the possibility of dividing the mission or parish, and this all the more because not a few Catholics of the aforementioned town had repeatedly requested the establishment of a church or school there. Therefore, the bishop Fallón, after consulting with the assembly of priests of the diocese, due to the lack of a cathedral chapter in those regions, and having obtained their unanimous consent, and without any objection from the parish priest Beaudoin, whom he already knew to be opposed to the division of his mission, on the 2nd of January, 1912, issued the following decree of dismemberment: "A number of 'requests have been received from the inhabitants of Walkerville, 'demanding a new parish. The utility of the faithful and the good of the religion..."

[*Latin ed. p. 74*]

74 Acta Apostolicae Sedis - Official Commentary: "It is deemed opportune now to take a decisive action. Therefore, the undersigned Bishop of London, by these presents, establishes the municipality of Walkerville as a separate and distinct parish under the title and patronage of Saint Anne, mother of the Holy Virgin Mary. He appoints the Reverend H. N. Robert as pastor of the parish of Saint Anne, and by these present letters, he confers upon the Reverend Robert the duties and rights of a pastor and charges him with the organization of the new parish."

Against this decree, as it infringes upon his rights, the pastor, Beaudoin, appealed to the Apostolic Delegate, who, on January 18, 1912, responded that the matter should be submitted to the judgment of the Holy See; and accordingly, the pastor presented his complaints to this tribunal, where, through a proper appeal, he brought forth his grievances.

Furthermore, on April 27 of the same year, the Holy Father, with benevolent decree, deigned to entrust the examination and resolution of the case to the Most Holy Tribunal, having previously stipulated that the matter should be conducted according to judicial procedure. This preliminary question, after hearing the parties involved, was resolved by the undersigned Auditors in Tournon on November 12 of the aforementioned year.

The case is now presented for consideration on its merits, with the following questions formulated to promote agreement between the parties:

I. Does a legitimate division exist in this case?

II. How should provision be made for the mother church and its pastor?

In forming a juridical concept for the present question, the Fathers have deemed it useful to recall and consider certain matters, either concerning the division of parishes in general, or concerning divisions that are more akin to missions, and which, therefore, are subject to special provisions.

Regarding the first point, the division of parishes is governed by chapter 3 of the decree *Ad audientiam*, concerning the building of churches, as

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amended and confirmed by the Council of Trent, session 21, chapter 4, *De ref.*: "In those places in which, due to the distance of the places or the difficulty, the parishioners cannot without great inconvenience access the sacraments and the divine services, new parishes may be established, even against the will of the pastors, according to the form of the decree *Ad audientiam* of Alexander III (by the bishops). To those priests who will be assigned to the newly erected churches, a portion will be assigned at the discretion of the bishop from the fruits pertaining to the mother church, and, if necessary, the people may be compelled to provide what is sufficient to support the aforementioned."

Therefore, in the first place, a legitimate cause is required for the division, which, according to the cited text, consists either of the distance of the places or...

[*Latin ed. p. 75*]

The Roman Rota has determined that the difficulty of travel is a factor to be considered when granting dispensations for the reception of the sacraments. However, today, other reasons are given, and the strict and absolute necessity is no longer always required, due to the changed morals of the people and the increased dangers of corruption, but rather, the special benefit of the faithful is considered. See the causes of Bobien, of March 4, 1911, and Sedunen, of April 2, 1912, which were discussed and resolved in the Holy Sacred Rota Tribunal (Acta Apost. Sedis, vol. 3, p. 202, vol. 4, p. 450). Furthermore, it is required (as stated in Sedunen, I. c., § Citatio) the consent of the cathedral chapter, and the citation and hearing of the rector of the church or parish to be divided, and of others who have an interest; but the first requirement is essential to the validity of the act, under penalty of nullity, while the second may be omitted when there is a legitimate reason for the division, and the rector or others with an interest reasonably oppose it. Thirdly, it must be established that there is a suitable provision for a new pastor, and for the assignment of boundaries for the newly established parish. Finally, it must be noted and diligently considered the new criterion introduced in recent times regarding the division of parishes, which in the aforementioned Sedunen is stated as follows: "Today, the division is more easily admitted, and it is no longer considered, as formerly, to be an extreme remedy, to which one should resort only when the care of souls, e.g., through a vicar, cannot be provided; the reason for this more lenient practice is that today, the corrupt morals of the youth, and the Masonic sects, which are like ravenous wolves, will devour the flock of Christ, unless a pressing need exists, at least the evident benefit of increasing the number of pastors is demonstrated. No one can deny that true pastors, that is, parish priests, are preferable to vicars; see also the addition in Bobien, I. c., § Hanc benigniorem. Thus far, the Tridentine law and its application are appropriate when dealing with the division

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of true parishes. But a different procedure is followed when dealing with the division of missions, which are not true parishes, but are held in the manner of, or as if they were, parishes. For these, a special law is in force, introduced by the Pontifical Constitution Bomanos Pontifices, issued in 1887, which was extended by the decree of the Sacred Congregation of the Council of March 14, 1911, to all provinces of the Canadian dominion, in which the diocese of Londonensis is located. This Constitution states the following: "For the division of a simple mission, the solemnities that must be observed are not those that have been established for the division of parishes; on the contrary, because of the nature of missions and their particular circumstances, more numerous and lighter reasons may occur that suggest their division, than those that are legally defined, as in the case of the division of parishes. Let no one insist on a similarity between the two."

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis - Commentarium Officiali: "They contain: for since the obligation of performing solemnities of the law restricts freedom of action, it is not permissible to extend this to similar cases. Therefore, since there is silence on this matter in the general laws of the Church, it is necessary that the authority of the provincial council of Westmonasteriensis be valid, of which this is the decree: 'Notwithstanding the appointment of a missionary rector, it will be permitted to the bishop, with the advice of the chapter, within the limits of the mission to which he is assigned, to found new churches and to assign a portion of the district to them, if the necessity or the benefit of the faithful requires it.' Then the Constitution concludes: 'Bishops are to divide missions, observing the form of the Holy Council of Trent concerning missions which are truly and properly called parishes; concerning the others, however, according to the form of the synod I of Westmonasteriensis. Furthermore, in order that the mission, which is to be divided, and its ministers may be better provided for, we wish and command that the opinion of the rector also be sought, which we have already learned is laudably established as a custom.' From the attached text, it is easily apparent how great is the difference between the division of a true parish and a simple mission, both in terms of the manner in which it is carried out, and also in terms of the reasons. For while in the dismemberment of a true parish, the canonical reasons are expressly defined by the Council of Trent, although, as has been seen above, there has been a departure from their strictness in recent times, otherwise it must be proceeded when the matter concerns reasons necessary for the division of a simple mission, which can be more numerous and of lesser importance, which, moreover, the parish priest Beaudoin himself admits in his appeal: 'As for the reasons, those reasons are not required which are set forth in the decree Ad audientiam and in chapter IV, session 21 of the Council of

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Trent, concerning reform.' Secondly, in the aforementioned text, mention is made of the preventive inquiry of the rector's opinion: no one will doubt that this inquiry is necessary by order. But it is not in any way essential to the substance of the act, nor is it prescribed under penalty of nullity, both because it is asserted not to be necessary, but for the better, and because it is not substantial according to the aforementioned [citation]. But thirdly, there is a difference in terms of endowment: in the dismemberment of a true parish, there must be a certain and determined adequate provision for the new parish priest, but in the division of a simple mission, it is otherwise. The rectors of these missions are supported by the spontaneous offerings of the faithful, so that a fixed benefit or determined income cannot be assigned to them. Hence, its nature is inherently fluctuating and uncertain, as it depends on greater or lesser support from the faithful."

[*Latin ed. p. 77*]

§ lio mana Note 77 In fact. Having laid down these preliminary principles, we now turn to the first question to be examined: whether, in this case, the division can be considered legitimate, both in terms of form and of reasons. The defender of the priest Beaudoin denies this, but unjustly. For, firstly, the council of advisors of the diocese was consulted regarding the division, as is evident from a relevant document: and this consultation should not be considered irregular, as the same defender contends, because there was no prior discussion or process concerning the necessity or utility of the division: for the advisors, as is clear from the context of the aforementioned document, or the minutes of the session of December 19, 1911, were fully informed about the state of the matter proposed by two of them, namely Brady and Dean Mac Gee: "It was demonstrated that Walkerville is a 'separate municipality with a population of approximately 4000 inhabitants, having 'a section of a Catholic school and, in view of the many requests 'made to the bishop to erect a parish, and for the convenience of 'the faithful and for the good of religion, this resolution was put to 'a vote and unanimously accepted." The defender of the plaintiff appeals to the authority of the canonist Leurenii, who requires a prior process in the divisions of parishes, which was lacking in this case. But this is a misapplication of authority, since the cited authority refers to divisions made according to the Tridentine form, and furthermore, it was not necessary based on information obtained from other sources. Nor, on the other hand, is the lack of solemnity invoked usefully, namely, that the pastor of the mission was not heard regarding the division. This matter of solemnity was discussed above and it was concluded that it does not pertain to the substance of the act, especially in the case of a special law when it is a question of simply dividing a mission, and, in this case, this principle is even more applicable, because the hearing of the priest Beaudoin was not only futile because of his already demonstrated dissent, but also harmful to

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the good of the faithful, as the Bishop of London testifies with the following words: "For almost two 'years, the priest Beaudoin did everything he could to intrigue and 'hinder the work of his bishop, in his parish and in other parts of 'the diocese of London. Having learned that the faithful of Walkerville 'had asked the bishop for permission to build a church or 'chapel in their district, he openly expressed his opposition and 'declared that the new church would never be built. He 'went from house to house, trying to excite the faithful and to 'dispel the reasons of those who were asking for greater effective 'protection of their faith." For these reasons, the bishop adds another, namely, that the priest Beaudoin was not consulted, so that he would not prepare an objection to the definitive acquisition of certain funds for the new parish.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis - Official Commentary concerning those for whom the right of option had already been established since December 1911. Therefore, considering these matters, the Fathers of the Lord retained that the division, as to its form, could not be deemed null. However, the principal point of contention in the present controversy concerns the existence of reasons for decreeing the division; the promoter of justice, together with the advocate of the court adhering to him, admits and defends this existence, while, on the contrary, the defender, Father Beaudoin, vehemently denies it. It should be noted that, according to the Constitution applicable to the matter in question, the provincial council of Westmonasteriensis I reduces these reasons to necessity and the benefit of the faithful: "It will be permitted to the bishop... to found new churches, and to assign a portion of the district to them, if the necessity or the benefit of the faithful requires it." But, above all, it must be reiterated that this benefit or necessity must not be considered in the same manner as when parishes of the true name are divided, as is evident from the spirit and tenor of the aforementioned Constitution, which establishes a special law for regulating missions. Therefore, the arguments presented by the defender of the parish in his factual and legal statement, Nos. 10, 11, and following, concerning the distance of places and the roughness of roads, are improperly invoked in the present case, since they rather pertain to divisions to be made according to Tridentine law. Secondly, the judges concerning the existence of reasons for making a division of missions are the bishops, whom the Holy Spirit has placed to govern the Church of God, or the dioceses entrusted to them, and not the pastor of the mission to be divided, and certainly not the faithful or parishioners; this, too, is clearly evident from the context of the aforementioned Constitution, which therefore wished to derogate from the common legal formalities, retaining only the hearing of the cathedral chapter, or, if that is lacking, the assembly of priests of the diocese. Furthermore, the arguments presented by the defender of the parish concerning the bishop's

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nationalism or preference for those who speak the English language, were considered to be of no value by the Fathers of the Lord, since the bishop himself urges the clergy to have knowledge of the French language, as can be seen from his latest report: "I have also issued the law that I will not promote any subject of this diocese to the subdiaconate, unless he is capable of hearing confessions in French and of giving at least a small instruction in that language." Similarly, the protests of some parishioners against the decreed division must be considered, since they probably originate from dissent and resistance of the pastor against his bishop. On the other hand, it is certain that there exist several and serious reasons for confirming the division of the mission of Saint Mary of the Lake. The first reason is the repeated prayers of the Catholic inhabitants of the town of Walkervilie, requesting the establishment of a new parish from the Order.

[*Latin ed. p. 79*]

The Roman Rota, in its 79th ruling, considered the case of the Catholic school, named after Saint Edward, which operated beneficially in the same town, and which could promote the propagation of the Catholic religion among the Protestants, who constituted the majority of the community. Therefore, the erection of a new parish was deemed opportune and beneficial, both by the council of advisors and by the bishop, who explained the matter as follows: "The new parish of Walkerville was founded only after repeated requests from the people concerned. Their good will and generosity are too rare to be ignored. The new parish of Walkerville was founded by the Ordinary of the diocese of London only after careful consideration and with the unanimous consent of the advisors. This action was taken out of a desire to protect the faith of the Catholics and to extend the influence of the religion." It should not be objected that the protection of the faith of the people of Walkerville could have been obtained in the same way by the erection of a simple chapel and the appointment of a vicar: for everyone knows how much the work of a vicar differs from that of a proper pastor. Another reason for legitimizing the division is the daily increase in the population in the town of Walkerville and its district, and the imminent construction of several factories in its vicinity, for mechanics in iron and steel structures: this is evident not only from the publication of local newspapers, but also from a topographical map showing the new and old parishes. Since these factories would bring in many foreign workers, it became necessary, after the division of the mission, for a new town to be established by civil authority, namely Ford City. Therefore, the good of religion and prudence demanded that the spiritual needs of the growing population be met in a timely manner, lest the Catholic workers, in particular, be exposed to the danger of corruption. Therefore, not only the bishop, but also the two pastors of the neighboring missions of Saint Alphonsus and the Immaculate Conception, which have a smaller territory and are

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adjacent to the mission of Our Lady of the Lake, were concerned about the division that was to be carried out, as the bishop himself stated: "I can add that, during the past month of November 1912, due to the increase in population in that district, the pastors of the two parishes adjacent to Saint Anne Walkerville, and Our Lady of the Lake, Sandwich East, submitted to me the advisability of dividing their respective parishes of Saint Alphonsus and the Immaculate Conception, and of building new churches for the benefit of the population. In none of these two parishes is the territory so extensive as in the parish whose division the Reverend Beaudoin opposed." And so much the more should the division have been approved, because the Catholic diocese...

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis - Commentarium Officiale. In Cagli, the corporate body has already purchased a property, at a set price, from a certain society for the construction of a new church and for the new parish priest's residence, and it is no longer permissible to withdraw from this agreement, as the bishop observes: "Certain practices were carried out which cannot now be revoked, namely, the land was purchased, the plans were drawn up, and contracts were signed for the new church." Furthermore, the same Baudoin, recalling the facts and writings, recognized the division of his mission, and announced it to the people on January 7, 1912. Indeed, a petition was presented to the Congregation of the Consistory by some Catholics from the county of Essex, in which mention was made of the new mission of Saint Anne and other neighboring ones, such as Saint Alphonsus and the Immaculate Conception: in this petition, it was requested: "That, in order to meet the most pressing needs, a dozen priests of French language and origin be admitted immediately into the diocese of London, either to found new parishes, or to assist the Canadian-French curés, or to serve their compatriots in mixed parishes where they live with Catholics of other origin." Therefore, it cannot be said that Bishop Fallón was led to establish a new parish by a spirit of nationalism, as has been alleged, but rather by a true necessity for the good of souls and the growth of religion. Nor can it be argued that this is the case because the bishop appointed to the new mission not a French priest, but rather an English priest, namely, Father Robert, for the bishop himself, fearing that some faithful might still prefer to attend the old parish to receive parish ministrations, warned the aforementioned rector by letter to grant this permission: "It is quite possible that, for one reason or another, some Catholics living within the boundaries of the parish of Walkerville, wish to maintain their affiliation with the church of Notre-Dame du Lac, and to perform their religious duties there: I am sure that you will not find it difficult to loyally adhere to this direction." However, the permission granted by Bishop Fallón, although it clears him of the accusation of nationalism, could not be admitted and ratified by the

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Fathers, since it was condemned in chapter 13, session 24 of the Council of Trent, which states that each parish must have its own defined territory and its own pastor. There it says: "In those cities and places where parochial churches do not have defined boundaries, and their pastors do not have a specific flock which they govern, but administer the sacraments promiscuously, the Holy Synod commands the bishops, for the safer salvation of the souls entrusted to them, to assign a distinct population to certain and proper parishes, and to assign to each its own permanent and particular pastor, who may know them and by whom they may lawfully..."

[*Latin ed. p. 81*]

8. The Roman Rota "shall provide that the sacraments be administered, or in other ways, as the circumstances of the place require." In the aforementioned case of Sedunen, a similar freedom or faculty had been granted by the bishop to the inhabitants of the village of Biedermatten by decree of March 18, 1809, in order to avoid discord; but it was observed that the jurisdiction of two pastors could not be combined in the same territory, because parochial boundaries must be certain and defined. Therefore, the license and freedom granted by the bishop were revoked and rejected, with the exception of the erection of a new parish with designated boundaries. The second question, contained in the second doubt, concerns the compensation of the mother church and its pastor due to the division that has taken place. In this case, the damages arise from the reduction of income or offerings from those who have transferred to the new parish; and therefore, the inability of the latter to discharge a debt contracted, either for the reconstruction of the church or for the construction of the school of St. Edward, which, as a result of the division, belongs to the newly established parish. To resolve this difficulty, which has been somewhat complex in practice, the Fathers considered the following principles. Firstly, they noted that the division of a parish always entails some loss for the old or mother church; but there is a distinction between true parishes and, so to speak, missions. In the former, the pastor of the mother church must always retain a sufficient and appropriate amount for his own support; in the latter, the pastor is supported by the offerings of the faithful, which are of a variable nature. Secondly, in the matter of the distribution of burdens between the old and new parishes, they considered that the principle of equity should be applied, according to which the burdens should be distributed in proportion to the relative benefit: for the burden must be equal to the benefit or utility, as natural equity suggests, *leg. secundum naturam*, ff. de reg. Iur., and cap. qui sentit eod. tit. in 6, Card. Mantica de tac. et ambig. convent.: lib. %, tit. 4, n. 82. From the aforementioned affirmative rule, namely "he who benefits must also bear the burden," follows also the inverse negative rule, that he who does not benefit should not bear the burden, as Reiffenstuel explains in the declaration of the aforementioned rule 55 in 6. According

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to this established criterion, it is now necessary to determine the amount of the debt that burdens the mother church of the B. V. M. du Lac in the old parish, and the amount that affects the school of St. Edward, which, as a result of the division, has been assigned to the newly established parish of St. Anne in the town of Walkerville. Finally, in summary, the following are noted for the pastor, number 1: "We... have carefully examined what the 'debts of the church of Notre-Dame du Lac' were (or, two days prior to the publication of the 'decree of division'), and we have ascertained that the debt was of..."

[*Latin ed. p. 82*]

From the Apostolic See - a summary of accounts: $27,477.42, of which $17,409 was borrowed in silver from private individuals through promissory notes from the episcopal corporation. And since this burden weighs heavily upon the parish church, which is for the benefit of these faithful, they are obligated to pay it, and no others. On the other hand, the debt to the school of St. Edward, as shown in the aforementioned summary, number 3, amounts to $6350, and this will burden the new parish, for whose benefit the aforementioned school is intended. However, since the parish of St. Mary of the Lakes has incurred some expenses for the aforementioned school, and the fruits of this debt will be paid as shown in the aforementioned document, number 3, after the division of the parish, the pastor is justly entitled to receive back half of the expenses incurred, amounting to $273.65. Regarding the silver promised as collateral for the reconstruction of the parish church by the faithful who now belong to the new parish, and which is still outstanding in the amount of $510.31, according to document number 11 in the aforementioned summary, this will affect the episcopal corporation. For since they have already contributed a portion of the promised money to the old parish, it is not just that they should be burdened with a double contribution, either towards the new or the old parish. Therefore, the bishop states: "The parishioners of the new parish have paid their share to provide for the parish church. The parish church has a church, a rectory, a convent, and two Catholic schools. The new parish has only one Catholic school, except for what has been acquired since the division, and the parishioners of the new church must pay for this." Therefore, the Fathers could not accept the complaints of the pastor, Beaudoin, as he presented them, namely, regarding the excessive diminution of revenues and the impossibility of paying the debt owed by the church to others, due to the division, so that it should be revoked. They did not approve of this revocation, since it is clear that the division was for legitimate reasons, and that it was properly carried out; rather, they decided on a distribution of the debt between the old and new parishes. Regarding the compensation for the diminution of revenues, they noted that if these revenues have been diminished, the burdens have also been diminished, and especially the

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maintenance of the school of St. Edward; and that the reduction in revenues is not such that Pastor Beaudoin is reduced to poverty, since approximately one-fifth, or at most one-quarter, of the faithful have moved from the old parish to the new parish, and the population of both parishes is increasing daily with the addition of new Catholic families, as is evident from the testimonies presented in the additional summary for the pastor. Furthermore, it must be pointed out that in this case, we are not dealing with a true parish, but with a simple mission, in which there is no obligation to observe the formalities of law, as the aforementioned Constitution of the Roman Pontiffs warns.

[*Latin ed. p. 83*]

The Roman Rota, having considered all matters of fact and law, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and with God alone before our eyes, decree, declare, and definitively pronounce: That the marriage is valid, the separation lawful, and the place of residence determined, according to the limits previously stated, or, answering the proposed questions: To Question I, affirmative. To Question II, affirmative, according to the manner stated in the judgment; furthermore, We establish that the expenses between the parties are to be compensated. Thus We pronounce, commanding the Ordinaries of the places and the officials of the tribunals to which this pertains, to enforce this Our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reform, of the Council of *Tridentini*, employing the executive and coercive means that shall be deemed more effective and appropriate for the circumstances. In *Romana*, at the seat of the Tribunal of the Holy Roman Rota, on the 5th of August, 1914. *Ioseph* Mori, Presiding. *Fridericus* Cattani. *Antonius* Perathoner. L. © S. From the Chancery, on the 21st of August, 1914. Sac. T. Tani, Notary. II. Citation by edict concerning the Nullity of Marriage (*Marchio-Bini*) in *FLORENTINA*. Since it is established from the inquiry conducted in the archiepiscopal court of *FLORENTINA* that the aforementioned *Ioseph Marchio* cannot be found, the undersigned Auditor of the Holy Roman Rota, presiding in this cause, by the present edict, peremptorily cites the aforementioned *Ioseph Marchio* to appear, either in person or through a procurator, at the seat of the Tribunal on the 29th of March, at 11 o'clock in the morning, for the purpose of subscribing to the following question, and also to determine the date for the Rota hearing concerning the matter mentioned above; furthermore, it is declared that, if he does not appear, the process will be continued and concluded in his contumacy.

[*Latin ed. p. 84*]

84 Acta Apostolicae Sedis - Official Commentary. DOUBT: Does it appear

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that there is a nullity in the marriage in this case? The Ordinary of the place and all the faithful to whom knowledge is given of the place of residence of the aforementioned Mr. Joseph Marchio, ought to take care, as far as possible, that he be informed of this edictal citation. Given in Rome, on the 1st of February, 1915. F. Heiner, Ponens.

TRIBUNAL OF THE SACRED ROMAN ROTA. Citation by Edict. FLORENTINA. NULLITY OF MARRIAGE (MARCHIÒ-BINI). Since it appears from several investigations made in the archiepiscopal curia of Florence that the defendant, Joseph Marchio, cannot be found, the undersigned Auditor of the Rota, acting as Ponens in this cause, peremptorily cites the same Joseph Marchio, by this present edict, to appear personally or by a legitimately constituted procurator, at the seat of the Tribunal of the Sacred Roman Rota on the 29th of March next, at half-past eleven o'clock, in order to express his opinion on the doubt reported below, and to fix the day for the presentation of the cause before the Rota, declaring further that, if he does not appear, the canonical process will be continued and concluded in his absence.

DOUBT: Does it appear that there is a nullity of marriage in the present case? The Ordinaries of the places and the faithful who may have knowledge of the place of residence of the aforementioned Mr. Joseph Marchio, ought to take care, as far as possible, that he be informed of this present citation. Given in Rome, on the 1st of February, 1915. F. Heiner, Ponens.

From the Chancery, 1st of February, 1915. L. j$f S. T. Tani, Notary of the Sacred Roman Rota.

[*Latin ed. p. 85*]

Secretariat 85. SECRETARIAT STATUS. LETTER TO JAMES CARDINAL M. CARD. CARD. N. FARLEY, ARCHBISHOP OF NEW YORK, TO WILLIAM O'CONNELL, ARCHBISHOP OF BOSTON, TO LEWIS CARDINAL VENDO GIBBONS, ARCHBISHOP OF BALTIMORE, TO JOHN, ARCHBISHOP OF QUEBEC, CONCERNING THE WORK NAMED "THE HOLY CHILDHOOD," FOR THE AID AND PROMOTION OF CHILDREN.

Most Reverend and Venerable Sirs,

Monsignor de Teil, General Director of the Work of the Holy Childhood, and Monsignor Tiberghien, having returned from the United States of America and Canada, have informed the Holy Father that Your Eminence and many American Bishops, whom they visited during their recent journey, have shown themselves most eager to support, with their effective patronage, the aforementioned Work, which is of great merit to the children and young people still enveloped in the darkness of paganism.

Learning of this news has been a great comfort to the Holy Father, Who, continuing to show the pious Institution the paternal benevolence that was

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so generously bestowed upon it by His immediate Predecessor of blessed memory, has not failed to express His lively and formal desire that the Association of the Holy Childhood be established in all the schools and colleges of the United States and Canada, recognizing this Institution not only as most beneficial for helping the Missionaries to make Our Lord known to so many millions of pagan children and young people, but also as most useful for the sound and moral education of Catholic youth.

However, such a beneficial Work could not exercise its salutary action without the help of good people; and since the current very grave conditions in Europe have dried up that source of subsidies which previously flowed even from the charity of Catholics in Europe, the Work of the Holy Childhood today, more than ever, feels the need that America should continue to show, as in the past, its generosity and magnanimity towards it, and that it should also kindly make up for the lack of the usual European resources.

The August Pontiff is confident that the valuable and precious support of Your Eminence and the Bishops will be followed not only by the clergy...

[*Latin ed. p. 86*]

Acts of the Apostolic See - Official Commentary 86, and from the Catholics, but also, and especially, from the teachers and mistresses, in whose zeal and Christian charity He places great confidence. And that His desire may be crowned with happy and consoling success, this august Pontiff invokes upon all the abundance of heavenly aids, bestowing upon Your Eminence, the Bishops, the clergy, and the faithful of their respective dioceses, as well as upon the teachers, mistresses, and all those who will cooperate for the benefit of the Work of the Holy Infancy, a special apostolic blessing. Furthermore, it is most pleasing to me to be able to avail myself of this present opportunity to most humbly kiss Your Eminence's hands, and to reaffirm with sentiments of profound veneration, Your Eminence's humble, obedient, and devoted servant, P. CARD. GASPARRI. DIARY OF THE ROMAN CURIA, SECRETARY OF STATE, IN THE NAME OF [The Holy Father] has deigned to appoint: January 26, 1915. — The Most Reverend Cardinal Audoen Gasquet, Protector of the Institute of the Sacramentine Sisters of Mary Help of Christians. January 30. — The Most Reverend Cardinal Guillaume van Rossum, Protector of the Ladies of Sainte Julienne, Apostles of the Most Holy Sacrament, of Brussels. February 3. — The Most Reverend Cardinal Antonio Vico, Protector of the Institute of the Sisters of the Company of Saint Teresa of Jesus. — The Most Reverend Cardinal Audoen Gasquet, Protector of the Institute of the Faithful Sisters Companions of Jesus. — The Reverend Father Carlo Fontaine, Superior of the International House of the Mission in Rome,

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Consultor of the Sacred Congregation for the Propagation of the Faith.

[*Latin ed. p. 87*]

From the Roman Curia Diary, No. 87: By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries, as if participants: January 26, 1915. — Monsignor Raffaele Leonetti, pro-vicar general of the diocese of Andria. — Monsignor Pietro Maria Berrios, vicar general of the diocese of Porto Rico.

Domestic Prelates of His Holiness: January 11, 1915. — Monsignor Oronzo Madaro, vicar general of the archdiocese of Taranto. January 13. — Monsignor Gianluigi Barge, canon of the cathedral of Como. January 17. — The following Monsignors: Stefano Walsh, vicar general; Martino Ryan; Francesco Keane; Ermanno Giuseppe Goebel; Giovanni Gorzynsky; Andrea A. Lambing; Cornelio A. Me. Dermott; and Guglielmo Cunningham, all of the diocese of Pittsburg. January 21. — Monsignor Giacomo Maria de Amicis, canon of the Metropolitan Church of Genoa. — Monsignor Patrizio Me. Alpine, vicar general of the archdiocese of Tuam. January 23. — Monsignor Marco Vattasso, secretary of the Apostolic Vatican Library. January 29. — Monsignor Professor Cristiano Berrenrath, rector of the major seminary of Colonia. — Monsignor Winando Blank, canon of the Metropolitan Church of the same city.

HONORS: By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: January 8, 1915. — To Mr. Doctor Gastone da Cunha, formerly extraordinary envoy and minister plenipotentiary of Brazil to the Holy See.

The Commanderate of the Order of Saint Gregory the Great, civil class: January 21, 1915. — To Mr. Tommaso Hughes, a member of the Australian Senate.

The Knighthood of the Order of Pius: January 17, 1915. — To Mr. Don Luigi Quer Boule, formerly attached to the Embassy of Spain at the Holy See.

The Knighthood of the Order of Saint Gregory the Great, civil class: January 19, 1915. — To Mr. Anatolio Bucquet, head of the order of lawyers of Lavai.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis - Official Commentary, January 19, 1915. — To Mr. Ferdinando Lamy de la Chapelle, president of the Catholic circle of that city. January 20. — To Mr. Ferdinando Federici, treasurer of the administration of the goods of the Holy See. The Knighthood of the Order of St. Sylvester: January 24, 1915. — To Mr. Raffaele Esteve y Fernandez, of the archdiocese of Seville.

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THE PAPAL HOUSEHOLD: BY PAPAL BULL

With the letters of His Eminence, the Reverend Monsignor, the Papal Chamberlain, the Holy Father deigned to appoint:

Secret Chamberlain, honorary, of the Holy See: October 31, 1914. — Mons. Giuseppe Pompili, of the patriarchate of Constantinople.

Chamberlains of honor, in purple vestments, of the Holy See: September 15, 1914. — Mons. Giovanni Thunnisen, of the diocese of Harlem. September 30. — Mons. Ignazio Dubowsky, of the diocese of Zytomir. October 31. — Mons. Rocco Collaro, of the patriarchate of Constantinople. November 7. — Mons. Antonio Bertaccini, of the diocese of Forlì. — Mons. Attilio Pizzi, of the diocese of Padua.

Secret Chamberlains of Sword and Cape, honorary, of the Holy See: September 24, 1914. — Mr. Count Cagiano de Azevedo, of Rome. September 30. — Mr. Count Ignazio de Bylandt.

Chamberlain of honor of Sword and Cape, honorary, of the Holy See: September 30, 1914. — Mr. Ferdinando Rondolino, of the archdiocese of Turin.

NECROLOGY: January 22, 1915. — Mons. Tommaso Burke, Bishop of Albany, in the United States of America. February 7. — The Most Reverend Cardinal Scipione Tecchi, Pro-Prefect of the Sacred Congregation of Rites.

[*Latin ed. p. 89*]

Year VII - Vol. VII, February 27, 1915, No. 4. OFFICIAL COMMENTARY OF THE APPOSTOLIC ACTS. ACTS OF BENEDICT XV, POPE. LETTER TO IRENAEUS, THE ECCLESIASTICAL CARDINAL OF THE FEDERATION, THE ARCHBISHOP OF "FOR THE POPE AND THE CHURCH," SEVIN. Beloved Son, greetings and the apostolic blessing. — The Most Reverend Cardinal Francis Dubillard, Archbishop of Chambéry, we have indeed lamented his recent passing. We were aware of the merits of this beloved Son of ours towards this Apostolic See, especially that he had been a prudent leader of the sacerdotal federation "For the Pope and the Church." For such an institution, as was the case with the predecessor of our Holy Father Pius X, seems to us to be of the highest importance; and for this reason, it was received with great joy by us, as it was by him. Now, however, we are pleased to find you to be eminently worthy to succeed that most esteemed man in the direction of this salutary association; and we say to you, beloved Son, whom we know to be full of study and prudence, and who has been appointed Vicar of Jesus Christ, if anyone else, most devoted. Therefore, we gladly entrust you with the governance of this federation; and we are certain that you will receive this charge with a willing heart, and that you will carry it out with your singular faith and diligence, for the purpose of pleasing us. — As for the priests who are members of the federation, we take this opportunity to declare our particular benevolence

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towards them; and since they expect from us each year some word of encouragement, suited to the times, we urge them to strive for the most wholesome and fruitful results in the service of the Holy See. ACTA, vol. VII, no. 4. — February 27, 1915.

[*Latin ed. p. 90*]

90 To the Apostolic See – We impart this official commentary to illustrate its social endeavors. Indeed, if it were made clear to the common people that the Roman Pontiffs have always striven for the good of human society in many ways, not only as teachers of the divinely revealed truths and guides to eternal life, but also as promoters of Christian beneficence to alleviate all kinds of suffering, and as the greatest patrons of doctrines, of the arts, and of all that is honest, beautiful, and useful, surely many, as if their eyes were opened which are still veiled, would perceive how unjust and foolish it is to distrust the Apostolic See and to oppose its councils and endeavors. – As a pledge of divine favor and a testament to Our paternal concern, We impart to you, Our beloved Son, and to all priests from this Federation, Our apostolic blessing with all Our heart. Given in Rome, at St. Peter's, on this, the twentieth day of January, in the year 1915, in the first year of Our pontificate. BENEDICT XV. TO CARDINAL GASPARRI, SECRETARY OF STATE, COMMENDING THE CHILDREN WHOM THE RECENT ABRUZZO EARTHQUAKE HAS LEFT ORPHANS. Your Eminence, Our paternal heart, already wounded by the cruelty of a spectacle that human history has never known, has been opened by another wound, bleeding with no less acute pain, by the earthquake of the 13th of last month. While, under the blow of this appalling disaster, we adore the designs of divine Providence, We see it as Our duty to dedicate, without delay, to the relief of the unfortunate and beloved populations who have survived this terrible scourge, all the care of a Father and a Pastor that will be permitted to Us by the necessities of the Apostolic See. However, among the survivors, there is a group that claims Our most affectionate and diligent attention, namely, the poor orphans. Before these unhappy children, We, Your Eminence, feel, more than for any others, the very depths of the paternal love that Jesus Christ has given Us. And therefore, trusting in the wise and zealous activity of which You have given Us conspicuous proof in just a few months, and confident that Your work, as well as not being hindered, will find favor from all sides, We have decided to grant You full authority regarding the search for,

[*Latin ed. p. 91*]

The Acts of Pope Benedict XV, page 91, concern the care and education of the aforementioned orphans, authorizing her to take all necessary measures for this purpose. And it is to be hoped that she will not labor in vain in the name of the Vicar of Christ, both to dry up these most bitter tears, and

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to form so many unhappy individuals for religious and civil life, to which misfortune has also better prepared them. May comfort be found in the not insignificant sacrifices that this arduous undertaking will require; may the Apostolic Blessing, which we impart to you with all our heart, under the auspices of heavenly graces, be a source of strength to you, esteemed Cardinal. From the Vatican, January 25, 1915. BENEDICT XV

TO THE MOST REVEREND FATHER EDWARD LIKOWSKI, ARCHBISHOP OF GNESEN AND POZNAN, CONCERNING THE MISERABLE CONDITIONS OF THE POLISH PEOPLE DURING THE WAR.

Venerable Brother, greetings and the Apostolic Blessing.

The opinion we had of your outstanding piety and devotion to the Roman Pontiff has been thoroughly confirmed by the letters you recently sent us; therefore, we gladly received the expressions of your devotion and offer you our heartfelt thanks.

But the matters concerning the miserable conditions in Poland that you presented in those letters are such that, although we were already aware of them from other sources, they have nonetheless filled our heart with considerable sadness. For, having long known that the citizens of Poland are outstanding members of the Church of God and have always remained steadfastly devoted to this Apostolic See, We, as is fitting, have always regarded them with special benevolence and affection. And therefore, since the joys of children are shared with their father, it is impossible for us not to be deeply saddened by the calamities that the inhabitants of Poland are suffering in this most bitter war, as we are surrounded by their sorrows and anxieties. For, as we turn our paternal care and concern towards them, how many tears are shed! All of this so deeply moves our innermost feelings, that we feel that the Father's love for these so sorely afflicted children must be increased as much as possible.

Therefore, we commend the citizens of Poland, who are most dear to us, to the eternal Author of all consolations, earnestly imploring Him to finally restrain the fury of war.

[*Latin ed. p. 92*]

May peace and the most desired tranquility be granted, and may the "best fruits of peace" be bestowed with favor and willingness. May the Almighty God heed these our prayers, and may He, with His most clement mercy, turn all that is harmful or that the people of the Ordinariate of Poland are still suffering into good. And you, venerable Brother, and the other Bishops of the Ordinariate of Poland, may your pastoral charity continue to care for all your faithful, and may you strive, as far as your strength allows, to alleviate the sorrows of your children, to soothe their illnesses, and to dry their tears. We, on our part, are filled with hope that, with the help of the blessed Virgin, patroness of the Ordinariate of Poland, God

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will open the treasure of His blessings to the people of the Ordinariate of Poland and generously bestow His goodness upon them. May the apostolic blessing, which we impart to you, venerable Brother, to the other Bishops of the Ordinariate of Poland, and to each and every one of your clergy and faithful, be a source of strength in the Lord.

Given at Rome, at St. Peter's, on the first day of February, in the year 1915, during the first year of Our Pontificate.

BENEDICT XV

ADDRESS GIVEN ON FEBRUARY 15TH TO THE LECTORS OF THE LENTEN SEASON AND TO THE PARISH PRIESTS OF THE HOLY CITY.

11. To preach is the proper duty of bishops, because it was to them, in the person of the Apostles, that the Divine Founder of the Church spoke when He said: "Go, and preach the Gospel to every creature." However, this duty cannot always be performed by bishops alone, either because they are hindered by the vastness and distance of the places they must evangelize, or because they are distracted by the multitude of other duties that accompany the episcopal ministry. Therefore, they avail themselves of the help of lower priests, to whom they entrust the task of proclaiming the divine word to the people, in those ways and with those conditions that the variety of cases requires.

Even the Bishop of Rome, and perhaps more than any other, must call upon the work of such helpers, in order to fulfill his duty of preaching the Gospel to the diocese to which he is most intimately bound. And We are pleased to greet you, our most beloved sons, as helpers in Our episcopal ministry, who are destined to preach to the people of Rome during the coming Lent. You are gathered here today before Us...

[*Latin ed. p. 93*]

The acts of Pope Benedict XV, page 93, mention a presence almost as if to receive in a solemn manner the mission of representing the Bishop of Rome in speaking to his people, and We do not delay in granting this, confirming the approval that Our Cardinal Vicar has already given to the selection of your persons for the highest office of Lenten preachers. But, precisely because you are destined to represent Us in an office that, like Ours, you certainly consider to be of the utmost importance, you, O most beloved sons, must now receive the desire to know in what manner We intend that Our representation be assured by you. To correspond to such a legitimate desire, We wish first of all to remind you of what the subject matter of your sermons must be. We do not wish to do you the wrong of supposing that you are ignorant of your obligation to preach the word of God; and yet, We would not wish to admit even the possibility that there may be among you those who prepare to bring arid questions of philosophy, history, or politics

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to the pulpit. The sacred orator must primarily aim at the spiritual benefit of those who listen to him; but the norm of Christian life is deduced from that "word of God, written and revealed" which forms the deposit of faith, and which is authoritatively interpreted by the ineffable magisterium that God Himself has placed in the Church. Therefore, let the priestly orators turn to this purest source to draw the salutary water with which they must satisfy the people thirsting for truth: let them draw from it the dogmatic doctrines, which alone can revive the spirit of faith, now so languid even in this city of Rome; and let them also draw from it the moral truths, which must guide the Christian in the fulfillment of the duties he has towards God, towards his neighbor, and towards himself. And far from Our mind is the thought of disapproving the moderate use of an effective refutation of modern errors; We do not truly intend to condemn those who turn their gaze to the conditions of society in which live those to whom they address their words. But the refutation of modern errors, besides being reserved only for that environment in which it may be appropriate, We would like it to be presented as a logical consequence of the principles previously and undeniably established: only when the people have been persuaded of the necessity of accepting the teaching of God even in those things that the human intellect does not reach, can the folly of the heretics and in matters of faith, or the pride of those who deny miracles, be usefully deduced. And let them also turn their gaze to the conditions of the society in which they live, not to make descriptions worthy of pupils of rhetoric, but primarily to indicate the fruit that the faithful must draw from the sermon they hear.

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis - Commentarium Officiale. We have spoken of the fruit of preaching. Let it not be grievous to you, most beloved sons, that, insisting upon this, we openly declare that a sacred orator should aim not so much at correcting the intellect as at reforming the heart; indeed, even the correction of errors of the mind must be ordered by the sacred orator towards the improvement of the practical life of the listeners. Therefore, let there not be among you one who is content with a beautiful exposition of Catholic truth, much less one who is satisfied with a brilliant refutation of modern errors, without, in either case, descending to practical applications. Oh! How often the listeners are unable to draw the consequences, which, nevertheless, follow from premises recognized as undeniable! It belongs to you, heralds of the divine word, to perfect your work, making your listeners feel with their own hands how and when they must change their way of acting, now abstaining from what they previously did, now doing what they previously omitted.

Let not the fear of failing to maintain the esteem due to the listeners restrain you: the concrete indication of the fruit that must be drawn from a sermon is, for many, an absolute necessity, for none can it be superfluous,

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just as superfluous is not the word of a friend who encourages to goodness even one who already has in mind to perform that very good deed.

We say nothing of the manner in which the word of God is to be announced. The respect due to it, and the highest esteem that you undoubtedly have for your ministry, make you, most beloved sons, certain of the necessity of excluding from yourselves everything that could detract from or diminish the gravity required in a sacred orator.

Only one thing do we wish to remind you regarding the form of discourses, and that is the care with which a most evident order must be imprinted among the various parts thereof: while order facilitates the understanding of the demonstrated proposition for everyone, it is instead difficult for a listener of average culture to retain a sermon in which the various arguments do not appear connected to each other, or the different parts are not mutually ordered.

But in speaking to you, who are destined to preach in Rome during the coming Lent, We have not intended to say things unknown to you; We have only wished to remind you of what you certainly already knew, in order to encourage you always more to do all that you can to make fruitful the mission entrusted to you, of representing Us in proclaiming the divine word to the people of Rome.

It can be said that an analogous representation, indeed entrusted in a stable and permanent manner, belongs to the individual parish priests of this beloved City, because they also exercise among the people that ministry of which the care is habitually reserved to the Bishop of Rome.

[*Latin ed. p. 95*]

From the Apostolic Letter of Pope Benedict XV, dated 95 A.D., most beloved, we can rightly call you also "our collaborators," and you are not mistaken in accepting what we have said concerning the sacred orators, who have come to be our auxiliaries in proclaiming the divine word during the time of Lent. However, we are aware that both the pastors and the sacred orators, in order to truly render their respective ministry fruitful, need more than anything else the blessing of God: "Unless the Lord builds the house, they labor in vain who build it" (Psalm 126). Therefore, we invoke this blessing copiously upon both. May the blessing of God illuminate the minds and inflame the hearts of those who proclaim His holy word in this eternal city; may it be like dew that causes the good seed sown by them in the souls of the faithful to develop and grow, so that the abundance of fruit may correspond to the holiness of their ministry, and may the children of Rome, during the upcoming Easter celebrations, gladden us with a greater participation in the holy sacraments.

SACRED CONGREGATION CONSISTORY. NOTIFICATION CONCERNING MISSIONARIES FOR THE EXTERNAL WORK OF EUROPE

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"FOR THE ASSISTANCE OF ITALIAN WORKERS MIGRATING TO FOREIGN REGIONS."

By letters of the Most Holy Consistory, dated January 18, 1915, by order of the Most Holy Pope Benedict XV, the Bishop of Vicenza, as honorary president and member of the council of the Society for the Assistance of Italian workers migrating to foreign regions of Europe, has been entrusted with the office, which hitherto belonged to the ecclesiastical group of Milan, commonly called the Consulta, in this same pious work. Therefore, the aforementioned Bishop, together with [the ecclesiastical group to be constituted by him], will have the power to seek out suitable priests who will act as missionaries among Italian workers migrating to foreign regions of Europe; and, with the consent of the Ordinary, each priest will have his own and...

[*Latin ed. p. 96*]

95 Acta Apostolicae Sedis - The official commentary. The Ordinary of the place to which these [missionaries] must go can send them to suitable mission locations, with the approval of the Most Holy Consistorial Congregation; and he must oversee them, either directly or through a visitor or another priest appointed by him, and especially through the local Ordinaries; to whom these missionaries must be entirely subject in all matters pertaining to ecclesiastical discipline. He can also, for just cause, transfer them from one place to another, or even completely recall them from the office entrusted to them. But in the case of a recall, he must immediately communicate the matter to the Ordinary proper to each missionary, so that he may receive him again into the diocese, as well as to the Ordinary of the place from which and to the Most Holy Consistorial Congregation; in the case of a transfer, he must communicate with the Ordinary proper to the missionary, so that he may know where his priest resides, and with the Ordinaries of the place from which and to which; and he must immediately communicate the matter to the Most Holy Consistorial Congregation whenever a case presents some difficulty; otherwise, at the end of any year. Given from the Most Holy Consistorial Congregation on the 8th of January, 1915. f Thomas Boggiani, Archbishop of Edessa, Assessor. II PROVISIONS FOR CHURCHES. By the decrees of the Sacred Consistorial Congregation, the Most Holy Pope Benedict XV has provided for the following churches with their own pastors, namely: On February 26, 1915, he appointed the Reverend Dominic Premus, canon of the Zagreb cathedral, to the titular episcopal sees of Bellogradensis and Semendriensis of the Greek rite, and he appointed him Auxiliary to the Most Reverend Anthony Bauer, Archbishop of Zagreb. To the titular episcopal see of Alabandensis, the Reverend Joseph Lang, canon of the Zagreb cathedral, was appointed, and he was appointed Auxiliary to the Most Reverend Anthony Bauer,

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Archbishop of Zagreb.

[*Latin ed. p. 97*]

The Holy Congregation for the Discipline of the Sacraments, desiring to promote the good of souls, having considered the extraordinary circumstances of the present war, and these continuing, declares and ordains the following, by the special authority of His Holiness Pope Benedict XV:

1. Soldiers called to battle may be admitted, with due observance, to the Holy Eucharist by way of Viaticum.

2. Priests assigned to military service, who are destined to attend to the sick and wounded soldiers (commonly called medics or infirmarians), if they are unable to celebrate Mass in churches, may, in any suitable and safe place, even outdoors, celebrate the Holy Sacrifice, provided that all danger of irreverence is removed. Those, however, who are engaged in combat, may celebrate Mass in the same manner, and under the same conditions, but only on Sundays and on days of precept, provided that all the aforementioned priests are not subject to any other canonical impediment. All contrary decrees are hereby set aside.

Given at Rome, from the Secretariat of the Holy Congregation, on the 11th of February, 1915.

PHILIPPUS CARD. GIUSTINI, Prefect.

Aloisius Capotosti, Bishop of Thermi, Secretary.

[*Latin ed. p. 98*]

98 Acta Apostolicae Sedis - Official Commentary S. CONGREGATION FOR THE COUNCIL FAN EN. JURISDICTIONAL MATTERS, March 8, 1913, and July 11, 1914. Statement of Facts. In the cathedral chapter of Fano, there are twelve canonries, of which some are more valuable than others. When, in May of 1912, one of these canonries became vacant due to the death of the titular, the canons who held the less valuable positions requested, within the appropriate time, i.e., within one month, to be admitted to exercise the right of option. However, the Bishop informed them that, in his opinion, the aforementioned canonry was subject to an Apostolic reservation, both because of the time of year in which the death occurred, according to regulation IX of the Apostolic Chancery, and because of the pontifical dignity of the deceased (since he had been included among the honorary chamberlains of the Most Holy Name), according to regulation VII of the same Apostolic Chancery. When the canons presented many arguments to the contrary, he advised them to seek a judgment on this matter from this Holy Congregation, which the canons readily did. Summary of the Dispute. As can be seen from the above, the canonry in question appears to be subject to a pontifical reservation, that is, not only with regard to time, but also with regard to the person. However, the canons argue that, in general, no reservation can impede the exercise of the right of option;

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they repeat this both from the nature of the right of option itself, and, above all, from the very condition or nature of the canonical benefices in the cathedral of Fano. They assert that the right of option exists in the cathedral itself from ancient times, and that it predates even the regulations of the Apostolic Chancery; indeed, in the earliest statutes, approved on April 20, 1455, chapter XI, several provisions are made "concerning the manner of opting," namely, that each canon can only opt three times, and that only after having served for at least one year; furthermore, they must obtain permission to opt from the chapter, which, however, cannot be denied "if the one who requests it has been diligent in the cultivation and repair of the goods of the prebend, which he desires to relinquish, and the option..."

[*Latin ed. p. 99*]

The Holy Congregation of the Council, number 99, states: "It must first be done according to the first canon, secondly according to the second, and 'so on successively'; and it must be understood that the first [in our church] is the one who, either by himself or through another, has served for a longer time, and who has been more diligent in the restoration of the goods of his benefice." From this provision of the constitutions, it appears not only that what the canons assert is true, namely, that the custom of choosing [a benefice] in the cathedral of Fano existed before the promulgation of Rules VII and IX of the Apostolic Chancery (namely, under Gregory XIII, around the year 1590), but also that, in this case, the right of option must be held on the basis of "antiquity" (as it is called) and diligence in the administration of funds, that is, it is a certain right inherent in the person, not in the thing, or in the case, the benefice; and these personal rights, as if acquired through merit and labor, are not usually taken away by the Apostolic See by its laws.

The conditions of the prebends in the same chapter can be briefly stated as follows: In the chapter, there is a common fund, intended for "distributions," of which twelve canons participate for their male portion, except for the prelate who receives double; but there are also twelve prebends, which are said to have been established at an earlier time, the administration of which is entrusted to the canons who respectively hold them; of these, four are attached to dignities (the prelatship and archdeaconry) and offices (theological and penitential), which therefore no one can obtain by option; the other eight prebends, the canons say, are not attached to individual canonries, but are what is commonly called "vacant," i.e., any of them can be added to any of the eight simple canonries, and conversely, they can be separated from any canonical benefice and, in fact, are separated. They argue this as follows:

1. From the fact that the prebends were added to existing canonical benefices. It is certain from an authentic document that, in the year 1563, a certain Thomas Lanci, after having been examined regarding the canonry which, at that time, was the only one that still lacked a prebend, was

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granted a prebend in 1565, assigned to a certain property commonly called Morola; therefore, if a canonry without a prebend once existed, it certainly seems that the prebend is separable from it.

2. From the custom that has been in force from time immemorial, and which has been authentically verified, whereby, in the change of a prebend through option, according to the regulations, no change of seat in the choir is made, no new possession is taken, etc. The episcopal curia testifies: "It is declared with truth that, in cases of change by option to vacant capitular prebends, it has never been the case that a grant was made with papal bulls, or diocesan decrees, nor even that possession was taken; but this curia has only registered the act."

[*Latin ed. p. 100*]

100 Acta Apostolicae Sedis - Commentarium Officiale Et alias: "It is a practice consistently maintained in the chapter of Fano, which states that, 'in cases of option, it is not required that the canon who has opted... take possession of the benefice anew, and descend, as it were, a new canon, to the last stall in the choir.'" Furthermore, it is added that this cannot occur if any prebend is inseparably united to the benefice, and if it constitutes an individual entity with it: for then, if the prebend is changed, a new benefice would be obtained, and for this purpose, a new taking of possession would be necessary. But, if the prebends are not inseparably united to the benefices, it is evident that they can be opted for, even when these are subject to an Apostolic reservation: for, in this case, there is no collision of rights, since the reservation can exert its effects on the benefice to which, in this case, the prebend will be united, which will remain vacant after the canons have exercised their option. This, which reason dictates, is also confirmed by authority. For, as Riganti states, "there is difficulty when prebends, houses, properties, and other temporal elements are said to be perpetually annexed to the canonry, or separably (and the Doctors vary on these terms, and the Rota has varied, and its opinion has not been constant)" (In Regulam IX, p. I, § 5, n. 7 ss.), "nevertheless, the doctrine that prebends, as in our case, are distinct and separate from benefices, can rightly be opted for, even in months reserved to the Holy See and in other cases subject to Apostolic reservation, is the most accepted, and is confirmed by numerous resolutions of this Holy Congregation and the Rota." Thus, Gonzalez (In Reg. IX C. A., glos. 34, n. 33 ss.): "Although the benefice may be vacant, the prebend or house is not vacant, since it is not annexed to the vacant benefice; but it pertains to the next in order for the purpose of option, and the reservation does not apply to these houses and temporal prebends." Riganti, loc. cit., n. 4: "The distinction has prevailed in the forum that either prebends, houses, and similar things... are perpetually and inseparably annexed to the canonry, constituting an individual entity with it, and therefore they cannot be opted for, if the canonry becomes vacant in

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a reserved month, since their option would necessarily precede the option and change of the canonical title; or... they are not annexed, but distinct and separate, and in this case they can rightly be opted for": cf. also Garcia, de benef. p. V, c. I, n. 457; Lotterius, de re benef. 1. I, q. 19, n. 18; Rota coram Manzan. dec. 52, n. 3; coram Sincero in Melevitan. Optionis, 30 ian. 1913; S* C. Conc.; in Casertan., 2 iun. 1838; in Capuan. 17 dec. 1853; Urbevetan. 26 apr. 1856; Asculan. 23 mart. 1907; etc. Therefore, the canons conclude by requesting that the Holy Congregation, with a positive response, dismiss the following doubts: "In general, do the canons of the Cathedral of Fano have the right to option only to vacant prebends?

[*Latin ed. p. 101*]

The Holy Congregation of the Council 101: "Does this also apply to reserved benefices, and in all months of the year? Does it belong to the same individuals to exercise this right in the present case, while the Holy See reserves the unchosen prebend?" However, several objections have been raised against this petition of the canons. Firstly, it appears that the right of option primarily depends on custom, as recently affirmed by the Rota in two cases, *Melevitan*, August 12, 1911, and *Sincero*, January 30, 1913, in the chapter of Fano. In this chapter, up to now and from time immemorial, the right of option has never been exercised during the months reserved to the Holy See, nor has any other pontifical disposition ever occurred. Indeed, the canons themselves concede this, and although they argue, along with others, that prescription by non-use does not apply to faculties, it is clear that this exception has no force if it can be conclusively demonstrated that, in the case in question, they do not possess the faculty or right to choose: then, the long-standing non-use must be considered as true observance, as if derived from the legitimate persuasion of which the Bishop testifies: "In the other eight months reserved, every time a vacancy has occurred – and it has occurred frequently – no canon has ever chosen, and indeed, with the conscience of not having the faculty to choose, due to the express reservation in Rule IX of the Chancery. This was and remains to this day the intimate persuasion of all and each of the canons, upon which no doubt has ever arisen, and which, otherwise, they would never have allowed to pass, the opportunity to choose, in every vacancy, more desirable benefices." At the very least, given the custom, it appears that the priority of time, by which the right of option in the chapter of Fano is claimed, preceded the promulgation of the rules of the Apostolic Chancery, because it is established that after this promulgation, the right claimed was brought into conformity with those rules. But furthermore, this custom appears to be entirely in accordance with the law, from the very principle assumed by the canons, namely: that the right of option is granted, even when an Apostolic reservation is present, for benefices that are distinct, separate, or at least separable from benefices, but it is not granted if the benefices

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are perpetually and inseparably attached to each canonry. However, the fact that the benefices in this case are individual and distinct from the benefices to which they are joined, is not the only argument. Furthermore, it can also be inferred from the fact that, without contradiction, there are as many benefices as canonries, and indeed, that each benefice has its own name, e.g., St. Christopher's, which are precisely the same names that are used as titles for the canonries: namely, the benefice of St. Christopher's corresponds exactly to and

[*Latin ed. p. 102*]

102 Acta Apostolicae Sedis - The Official Commentary always pertains to the canonry of St. Christopher. But the main point is that the Bishop also recalls this: "When, during the months, the canonries are not assigned to the Holy See, the canons exercise the right of option; the canon, who, for example, enjoys the canonry and prebend of St. Luke, opts for the prebend of St. Bartholomew and obtains it, and it is no longer said that he possesses the canonry of St. Luke, but rather that he possesses that of St. Bartholomew." Therefore, in any acquisition of a new prebend, it seems that the title of the canonry changes; it appears that each prebend annexed is, perpetually and inseparably, attached to a certain title, or a specific benefit, or to the canonry itself. Indeed, in this case, there is another fact equally certain that stands against this, namely, the custom of not taking possession of a new prebend and not changing one's place in the choir; but it should be noted that this custom has been consistently observed in the chapter of Lucca, even when a new canonical provision is introduced by Apostolic Bulls, in which cases this same custom does not seem entirely legitimate, since a new taking of possession is necessary whenever a new provision is made, as is the law. But nothing can be inferred from a manifestly illegitimate custom that contradicts the nature of a thing. Furthermore, the fact that in the year 1565, Canon Thomas Lanci found his canonry without a prebend, and that he assigned it from his own goods to the same canonry, seems rather to weaken than to support the assertion of the canons. For it is clear that in this case, the so-called "option" is being dealt with, which indeed affects the benefits themselves, and therefore reservations of the Apostolic See are relevant in this matter. To understand this more fully, it should be recalled that, often, at the beginning, the lands and goods constituting the endowment of the benefices were held and administered in common by the chapters, and the fruits of these were distributed annually; then, for more useful and easier management of the goods, the funds were once and for all divided into as many parts as there were canons, with a notable portion set aside for distributions and other expenses, and each canon was assigned a portion, which obtained the name of a prebend, to be administered by each canon. But this portion, which was originally equal or nearly equal, over time, due to greater or lesser diligence and suitability of the administrator,

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and for other reasons, became either richer or poorer. Hence, the right of option was given to the senior canons to choose their better prebends, that is, the right to change the share of funds assigned to them; just as the right of option was also given, in the common house or canonical building, to choose more convenient dwellings whenever they became vacant. Indeed, everyone understands that such an option (improperly called) is always free, because it does not...

[*Latin ed. p. 103*]

The Holy Congregation of the Council considered the matter of a change in the canonical title, nor of a seat in the choir, and that it should not be subject to the Apostolic reservation. However, from the facts previously recounted, namely, that "the Reverend Lanci, 'who for some time had been a canon,' provided a prebend for his canon, who lacked one, assigning for it a piece of his farmland, 'situated at the place called Morola'," it is clearly demonstrated that, in this case, the origin and nature of the prebends were quite different; namely, that they did not originate from the original division of the funds constituting the common patrimony of the entire Chapter, but from a special foundation, or a particular endowment of each specific canon, and that each, together with its endowment, constituted a single, individual entity. This is, indeed, confirmed in a remarkable way by the authentic document of this foundation. In it, it is read that at the same time, "with the consent of said Chapter, said canonry was of the right of patronage of the aforementioned Thomas, Anthony, Vincent, his brothers, as well as Michelangelo and Hieronymus, the sons of said Anthony, and this was confirmed by Apostolic letters. And then, in place of the prebend of said canonry, they established [from] their patrimonial goods a piece of arable land... 'in the Courtyard of the Castle of Ripalta... for the purpose of providing the aforementioned prebend'." It is clearly inferred from this that the prebend established for said canonry was inseparably attached to it; otherwise, it would have to be said that the right of patronage was granted to the aforementioned persons, not over a single, certain, and determined canonry, for which a prebend was established and increased by them, but over some indefinite canonry of the Chapter of Fano, which seems unlikely. Therefore, if, as has been demonstrated, in the Chapter of Fano, the prebends themselves are inseparably united with benefits, constituting a single entity with them, then in this case, we are dealing with what is properly called "option," which consists of the right to obtain a vacant benefice, whether in a church in which one already holds another benefice, or in any other case. However, in this case, there is no doubt that a new provision is made for the person choosing, and consequently, the Apostolic reservation and other provisions of common law apply. After these matters had been debated, and since this matter had been acted upon repeatedly in the plenary assemblies of the Holy Congregation of the Council, the

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Eminent Fathers, having heard the Apostolic Dataria beforehand, ordered that a response be written on July 11, 1914: "Apostolic reservations affect even prebends in this case." O. Giorgi, Secretary.

[*Latin ed. p. 104*]

104 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO DE RELIGIOSIS

DIOECESIS SEU ORDINIS

N. OBLIGATIONIS

In Nomine Domini

Commissio Cardinalitia specialis, stabilita a beatissimo Patre litteris Emo. Card. Cagiano, Praefecto S. Congregationis de Religiosis, die 25 Iulii 1914, ad examen et definitivam solutionem controversiae inter dominam N. et Provinciam religiosam Z., convenit die 12 Augusti 1914 in domo subscripti Card. De Lai: et, invocato auxilio divino, post maturam deliberationem, ad sequentes conclusiones pervenit.

In re ipsa, non est dubium quod, initio anni 1898, Pater V. Provinciae religiosae Z., initavit publicationem periodici B. cum scripta approbatione Provincialis, die 29 Decembris 1897, quae impressa est in fronte primi numeri ipsius periodici. Praeterea, in capitulo provinciali die 3 Septembris 1901, Patres sumpserunt et subscripserunt deliberationem sequentem: "Periodicus B. sit 'adjunctus' R.P. V., cum obligatione submittendi statum financierum administrationis suae Ministro Provinciali et Definitorio omni anno. Provincia erit libera ab omni responsabilitate solutionis in casu debiti: si autem sit creditum, hoc debebit ire ad fundum periodici. Procurator periodici est B. P. V., qui 'manente in officio, est exemptus ab actis communitatis'."

De valore clausulae incidentalis: "Provincia erit libera, etc.", dicetur postea. Pro hac parte, satis est notare quod ex hac declaratione apparet manifeste periodicus pertinere ad Provinciam.

Directio periodici stabilita est in conventu; et ibi, post annos, primum parva, deinde maior officina impressoria erecta est ad publicationem periodici et aliarum operum eventuarum, cuius inauguratio facta est cum benedictione data ab eodem Provinciali, cum assistentia plurium religiosorum et aliarum personarum; sicut constat ex relatione iurata P. V., quae non contradicta est a parte contraria. Officina impressoria nomen mutuata est

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ab ipso periodico.

[*Latin ed. p. 105*]

105. The Holy Congregation of Religious Orders, through the publication of this [document] and, to the regret of the printing houses, incurred considerable expenses. To meet these expenses, Father V. turned to several individuals (having received only modest assistance from the Religious Order); and he primarily turned to Miss V., who possessed a considerable fortune, of which she could freely dispose. He persuaded her to alienate or pledge almost all of her assets, assuring her (as is evident from the letters of Father V. himself) that he was investing her capital not only safely, but also very profitably. And he added that, in any case, the printing house, with all its equipment, was hers, or at least served as collateral for her debts. However, contrary to Father V.'s predictions, the operations of the periodical and the printing house deteriorated year after year; so that the provincial chapter of June 8, 1907, ordered Father V. to "leave the printing house as soon as possible, and to cease the publication of his periodical by the end of the year." And the provincial chapter of June 10, 1910, decided "to reiterate to Father V. the injunction to settle his affairs concerning the printing house." Indeed, in 1910, the publication of the periodical ceased, and the printing house was first entrusted to a member of the Order, and finally liquidated. Meanwhile, Miss N., who had invested all of her capital in Father V.'s enterprises, received nothing, neither principal nor interest, and, suffering great hardship, she complained to the curia of the Ordinary. It was then that Father V., in a document dated November 9, 1910, "declared himself indebted to Miss N. in the amount of L [currency unit], and for the return of Wl shares of O [company name], the return of which he obligated himself to make by July 1, 1911," in addition to the payment of interest, etc. But while the return of the shares was made, for the rest, and especially concerning the payment of the aforementioned sum, the document remained, without a doubt, a dead letter. Miss N., continuing to complain, caused the General Definitorium to repeatedly write to the Provincial, ordering him to pay Father V.'s debts. And, since this proved ineffective, on June 3, 1911, the Father General issued the following decree: "By the power vested in us, we command the Reverend Provincial Superior of the province of Z, in virtue of holy obedience, that together with his Definitorium, he declare in writing that his province recognizes all debts contracted by Father V., and that it is obligated to pay all of those debts, and that it may not demand any part of the satisfaction or compensation from the other province Y." And he added in the accompanying letter: "The Reverend Father V., in agreement with his Definitorium, within one month from the date of this [letter], will ensure that the most urgent debts

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contracted by Father V. are paid; or..."

[*Latin ed. p. 106*]

106 Acta Apostolicae Sedis - Commentarium Officiale: "Et energicas measures suscipiet, ut reliquum solvatur ad tempus designatum; alioquin, dispositiones sumantur quae non parvam iniuriam inferent." Sed, cum Pater Provincialis non obtemperaret, etiamsi insistebat Pater Generalis, Domina N. appellavit ad Sacram Congregationem Religiosorum, quae, res examinatas secundum morem suum, ad dubium: "Utrum et quo modo decretum Reverendissimi Patris Generalis die 3 Iunii 1911 confirmari possit, per quod provincia Z. obligata est debitas contractas a Patre V. recognoscere et solvere," in pleno concilio die 3 Maii 1912 respondit: "Attentis omnibus hucusque deductis, placere de concordia: et Ordinarius partes vocet et eas ad compositionem peragendam inducat; quod si non obtinuerit, tunc utraque pars arbitrum eligat; et arbitri sic electi rem concorditer dirimant: quod si discordes sint, ipsi tertium arbitrum eligant." Sed Ordinarius partes ad compositionem non potuit inducere; itaque, arbitri ab utraque parte electi sunt. Et, non concordantes, tertius arbitrus electus est. Hi, convenientes, se auctoritate praediti putantes ad rem ipsam intrandi, potius quam ad compositionem agendi, dubium proposuerunt: "Utrum constet superiores Provinciae religiosa Z. de debito contracto a Religioso eorum P. F. erga Dominam N. responsabiles sint." Et die 23 Aprilis 1913, respondendum duorum contra unum: Negative. Ad hoc arbitrium vel sententiam, Domina N. non quiescit, sed appellavit ad Sanctissimum Patrem; qui, ut initio diximus, Commissionem Cardinalitiam constituit ad examen et definitivam solutionem huius controversiae. Iure, Sacri Patres, primo, examinavit si et quale pondus sententiae arbitriali die 23 Aprilis 1913 dari debeat; et concludunt eam nullam et omni valore carentem. Nam arbitri maiorem potestatem habere non poterant, quam illam quae ab ipsius Sacra Congregatio Religiosorum, quae eos constituerat, eis dabatur. Nunc, Sacra Congregatio stabilivit: "Placere de concordia." Et omnis scit, secundum morem Sacrarum Congregationum, "Placere de concordia" valorem praeceptivum habere, nempe, ut ad concordatum perveniat, utraque parte transigendo. Domina N. postulabat solvendum totum summam, cui Pater V. se debitorem dixisset; provincia omnia negabat. Concordia ergo non potest consistere nisi in transigendo inter omnia et nihil, id est, in stabilendo summa media.

[*Latin ed. p. 107*]

The Holy Congregation of Religious, 107. And this is made even more clear by the subsequent part of the resolution, in which the method for obtaining this concord is prescribed: the Ordinary must summon the parties and induce them to reach an agreement. And if this attempt fails, it is ordered that each party elect an arbitrator, and that these arbitrators

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be given the mandate to resolve the matter amicably. Therefore, the intention of the Holy See is quite clear and precise: to attempt a reconciliation between the parties. This is what it says clearly to the Ordinary, and it repeats this to the two arbitrators. But since the two arbitrators do not agree, the Holy See, wishing to achieve its purpose, orders that the two arbitrators elect a third. For what purpose? To establish a new tribunal that would judge the merits of the obligation, doing what the Holy See itself had refrained from doing? Not at all. The consequence, the logical connection of the argument, does not allow for any other supposition, except that the three arbitrators should strive to do what the Holy See had established in principle: to seek concord. This is what the Ordinary was charged with doing initially, and what the two arbitrators were subsequently charged with doing, namely, to attempt a reconciliation. It is true that the Most Holy Fathers did not say this explicitly. But this can be deduced from the logical connection of the resolution, using an ellipsis in the discourse, a form that is quite common in speaking and writing, and which can be easily inferred. Whereas, if the Most Holy Fathers had wanted to give the three arbitrators a mandate different from the one previously given to the Ordinary and the two arbitrators, that is, if they had wanted the three arbitrators to judge the merits of the obligation, or not; they would necessarily have had to express this, and express it in clear and precise terms. They did not do so. Therefore, they did not give the three arbitrators any mandate other than the one that logically followed from the premises, and which they had previously attributed to the Ordinary and the two arbitrators, namely, to attempt and establish a reconciliation. But the three arbitrators, setting aside any idea of reconciliation, arrogated to themselves the right to judge the existence of the obligation. It is therefore clear that they exceeded their mandate: and consequently, their judgment is null and of no value. Having said this, the Cardinal Commission, considering that the mandate entrusted to it by the Holy Father was to examine and give a definitive solution to the dispute that has been ongoing for years between Miss N. and the religious province of Z., considered itself authorized, quite differently from the arbitrators mentioned above, to judge the matter in question: and proposed the following question: "Whether and how the 'general' decree of June 3, 1911, which obligated the province of Z. to 'recognize and satisfy the debts contracted by Father V,' should be confirmed."

[*Latin ed. p. 108*]

Acta Apostolicae Sedis - Official Commentary 108. However, since the mandate of the Commission was limited to the dispute pending between Miss IV and the religious province, the confirmation or denial of said decree must be understood in relation to Miss N. and not to the other creditors, with whom the Commission cannot, nor intends to, deal. Furthermore, Father V, by a legally valid document of November 9, 1910, declared that he

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was indebted to Miss N. for a certain sum and for the return of 22 shares of C, a return which he obligated himself to make by July 1, 1911, in addition to the payment of interest, etc. - and Miss IV accepted this declaration; - it follows that the aforementioned province, if it were to be condemned to pay, by fulfilling the content of said document, would be considered to have satisfied all its obligations to Miss IV. Therefore, the general doubt previously mentioned is resolved and reduced to this: "Whether the aforementioned province must recognize the debt indicated in said document of Father V to Miss IV and satisfy it." Now, in the examination of this doubt, the Cardinal Commission admitted that if a religious, especially one who has taken solemn vows, publicly and notoriously engages in a trade or industry, he must be considered authorized by his superiors, unless these have expressly disapproved of it by a public act. Indeed: 1° A religious who has taken solemn vows *non habet neque velle neque nolle* (has neither will nor refusal), which belongs to the superiors. Therefore, if the superiors allow it, it must be said that they authorize it; 2° All the more so, since the exercise of a trade or industry, especially a public and notorious one, is, generally speaking, alien to religious life, especially for those who have taken solemn vows. Therefore, if the superiors do not prevent it, they should effectively prevent it; 3° Nor are there lacking analogies in the civil law of the various nations. Thus, for example, Italian Commercial Law in Article 13 states: "The wife cannot be a merchant without the express or tacit consent of her husband. Consent is presumed when the exercise of the trade is public and notorious, unless the husband has expressly forbidden it by a published declaration." Now, Father V was a professed religious who had taken solemn vows, and this condition of his was known to all; he publicly and notoriously engaged in the printing trade or industry with a printing press, first small and then large, an objective for photography, and a machine for phototyping; he had many workers; he printed not only the periodical, but also other books, diplomas, images, etc., which he then sold; nor did the superiors disapprove of this activity by a public act. Therefore, they authorized it; a tacit, but real and public, authorization. And this is all the more true in the present case, since the printing...

[*Latin ed. p. 109*]

The Holy Congregation of Religious Orders, in its decree, states that the printing press was located within the same religious house, under the eyes of the superiors and of all, and that the publication was publicly known and bore the name of the periodical, which was, as is well known, a publication of the province. To this must be added certain other facts which implied a kind of approval, not merely tacit, but explicit, although private. Thus, the quite solemn blessing given by the Provincial Father to the periodical, and later to the small printing press, and the subsidies which, at various times, the superiors gave to Father V., which he repaid with work from

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the printing press. It must be said that the Provincial Father, by decree of June 8, 1907, and June 10, 1910, ordered Father V. to abandon the printing press and to cease the publication of the periodical; but this prohibition came after Father V. had, at least in the majority of cases, contracted the debts in question; therefore, it was too late. Furthermore, to destroy the public authorization of which we have spoken, a private prohibition, such as this one, was not sufficient; but a public prohibition was necessary; for example, to warn the public not to consider the Order as involved in Father V.'s enterprise, or, better still, to close the printing press, and, if Father V. proved stubbornly resistant, to send him elsewhere. But none of this was done. Therefore, that prohibition was valid as a rule of conscience for Father V., but nothing for the public and before third parties. It is then clear that if Father V. had the authorization to carry on the printing business, he logically also had the authorization to contract obligations and to perform all those acts which are necessary for the exercise of civil law. Thus, insisting on the example cited above, in the Italian Commercial Code, Article 14, it is written: "The wife who is a merchant (expressly or tacitly authorized by her husband) may, without further authorization, contract obligations for everything concerning her business." Therefore, having authorized Father V. to carry on the printing business or industry, the superiors implicitly authorized him also to contract obligations for everything concerning that business or industry, for example, to buy type, paper, and the rest necessary, to pay the wages of the workers, etc., as it is logical, as rightly observes Father F., that whoever has a printing press must procure everything necessary for its operation. That the debts of Father V. were contracted for the publication of the periodical and for the operation of the printing press, is not in doubt, nor does it seem that it can be doubted. Thus, the existence of the authorization given to Father V. by his superiors to carry on the printing industry is established; and

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis - Official Commentary, assuming that the debts contracted by him were indeed incurred through the exercise of this industry, the Cardinal Commission proceeded to examine what consequences might arise from this. Now, it is well known, and beyond dispute, that authorization to perform some act, granted to one who, by the disposition of the law, cannot perform it without such authorization, but who, nevertheless, possesses his own legal personality and can therefore acquire property in his own name, removes the obstacle that that entity or person had to performing that act, but does not provide a guarantee on the part of the authorizing party. Thus, a wife authorized by her husband to engage in commerce, having her own legal personality and being able to acquire property in her own name, if she profits from her commerce, increases her own patrimony; if she loses, she loses equally from her own

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patrimony: but the husband, as he does not participate in the profits, so he is not liable for the losses of his wife. Similarly, it is to be said of a minor authorized by his father or guardian to perform some act. Similarly, for any pious cause, church, benefice, which, being considered as minors, require the faculty of the tutelary authority for selling and buying and for other similar acts. In these cases, there is authorization of tutela, which does nothing but remove the obstacle to acting placed by the law; after which, the own legal personality of the authorized party is exercised for his own account without legal responsibility on the part of the authorizing party. But the matter is quite different for a religious, especially one who has taken solemn vows. As mentioned above, this person has neither the power nor the right to act independently. Therefore, he does not have his own legal personality, nor can his superiors confer it upon him, because this would be contrary to his vows. Therefore, the theory explained above cannot be applied; rather, the authorization given by a superior to his religious to buy or sell, or to perform other similar operations, takes on the nature of a mandate. And the religious, in the exercise of this act, becomes as it were the administrator of the monastery, or the province, or the order that has authorized him to do so. Consequently, and necessarily, it follows that it is not the religious, but the monastery, or the province, or the order that must be held responsible for the operation. To this grave matter, another consideration must be added. Since he has no legal personality, and cannot have one, whatever a monk acquires, the monastery acquires. Therefore, if from the operation of the religious, not he personally, but the monastery profits and acquires, as if the religious were a mere instrument of the monastery; then, by logical consequence, by justice, and for the respect of the good rights of third parties, if damage results from the aforementioned operation, it is not the religious (who has nothing and can lose nothing) but the monastery that must be held responsible, as it is the dominus.

[*Latin ed. p. 111*]

The Holy Congregation of Religious possesses legal personality, and to which the profits, if any, would accrue. However, Father V. found himself in the condition of a solemnly vowed religious, authorized by his province to engage in the printing trade: therefore, it was not he, but his province, who was responsible for this undertaking; and just as the province had the right to appropriate the profits from this trade and to dispose of them if there were any, so too must it bear the obligations and liabilities arising from this undertaking, as unfortunately transpired. From what has been said thus far, it is clear that the clause appended to the deliberation of the provincial chapter of September 3, 1901, cannot be taken into account: "The province shall be free from any liability for payment in the event of a debt; in the event of a credit, this shall go 'to the benefit of the newspaper.'" Since

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the newspaper belonged to the province, the Fathers could indeed dispose of the profits; but logically and justly, they could not in any way exempt themselves from being held responsible for the liabilities. Furthermore, this deliberation remained, as so many others, secret, and therefore had no validity before the public and third parties. Therefore, it is not without reason that Father V. wrote to the provincial Definitorium on June 7, 1911: "If any advantage had been derived from the printing press, 'certainly I would not have been able to retain it for my own use, but would have had to 'pay it to the province; the opposite happened, and the province... washes its hands of it.' Let it be judged whether this is just and reasonable." From what has been said thus far, it is also clear that if a religious, especially one who has taken solemn vows, publicly and notoriously engages in a trade or industry (as was the case with Father V.), then the superiors must either publicly and effectively prohibit him from doing so, or they must be held responsible for the economic consequences that result. Nor should it be objected that this principle may, in some cases, be ruinous for a particular monastery or religious province; for, firstly, if justice requires it, no other conclusion is possible. Furthermore, it is within the power of the superiors to prevent this ruin. They must be vigilant and prevent their subjects from embarking on risky ventures without supervision, and thus all danger will be averted; not to mention that this will benefit the prestige of the order, favor the observance of regular discipline, and avoid not insignificant scandals. For all these and other considerations, the Cardinal Commission, by unanimous vote, has reached the following deliberation and sentence:

Article I. "The religious province of Z. is obligated to satisfy the debts.

[*Latin ed. p. 112*]

112 Acta Apostolicae Sedis - Official Commentary "concluded by Father V. with Miss N. and recognized by him in the 'document of November 9, 1910'." Since the superiors of the aforementioned province, despite repeated injunctions and the very decree of the Superior General of June 3, 1911, which ordered them, in virtue of holy obedience, to recognize the debts of Father V. and to satisfy them, or to provide for their satisfaction within one month, always showed themselves reluctant, despite the threats made to them by the same General to take severe measures against them; therefore, the Cardinal Commission, with unanimous agreement, has established the following: Article II. "Within one month from the notification of the sentence, the Provincial Father, with his Definitorium, shall satisfy Miss N. in accordance with the document of Father V. of November 9, 1910, or shall assume an obligation in a similarly valid form to fulfill this obligation; and if this time passes fruitlessly, they shall remain suspended *a divinis*; except for the further penalties of deprivation of office and of the active and passive voice, if (may God avert it) they persevere in their obstinacy." Article III. "In the act of satisfying the credits, or of assuming the

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obligation to satisfy them, as mentioned in Article II, Miss N. shall return to the superiors of the province all the letters of Father V. and everything pertaining to her obligations." Article IV. "Regarding the final clause of the decree of the Father General, by which the Province Y is excused from participating with the Province Z in the payment of the debts of Father V., the Cardinal Commission does not intend to pronounce judgment on this matter, considering it to exceed its mandate. But leaving the latter province free to assert its rights, as far as it may have them, by appealing against the decree of the Father General; it nevertheless desires that this question should not in any way delay the obligation of satisfying the debts mentioned in the preceding articles; and therefore it prescribes that the same Province Z may not exercise the eventual right of recourse against the other, unless it has first complied with the prescriptions of the aforementioned articles towards Miss N." Article V. "The execution of this sentence is entrusted to the Reverend Ordinary, and a copy of the sentence itself shall be given to the Reverend Father General of the Order, and to the Provincial Father." Given in Rome, August 18, 1914. f GAETANO Cardinal DE LAI, Bishop of Sabina. f PIETRO Cardinal GASPARRI. f BASILIO Cardinal POMPILJ.

[*Latin ed. p. 113*]

113. Holy Congregation for the Propagation of the Faith. HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE CONCERNING THE LIMITS OF THE APOSTOLIC VICARIATES OF MONGOLIA ORIENTAL AND MONGOLIA MERIDIONALIS. This Holy Congregation, under the presidency of its Prefect, decreed on December 3rd, in the year 1883, that, through the division of the previously existing Apostolic Vicariate of Mongolia, the Apostolic Vicariate of Mongolia Orientalis was established: "The Apostolic Vicariate of Mongolia Orientalis will encompass the large mandarinate known as Ge-Hol, and will have, in its southern part, the province of Sinensem Pe-che-ly; in the east and north, Manchuria; and in the west, the Apostolic Vicariate of Mongolia Centralis." Recently, the Ordinaries of both missions, having a more intimate knowledge of the local conditions, jointly presented a petition to this Holy Council, requesting that a declaration be issued stating that the Apostolic Vicariate of Mongolia Orientalis should include, according to the submitted map of the region, the following territories: 1) the large mandarinate known as Iehol; and, furthermore, 2) to the east, the territories existing west of the Great Wall of China (the barrier of stakes) and the river Leaoho, which belong to the civil district of Moukden, namely the sub-prefectures of Tchangou, Kangping, Leaoiuen, and a part of the sub-prefecture of Fakoumenn; 3) to the south, the territory of the civil district of Joungping, which is outside the Great Wall of China, namely, parts of the sub-prefectures of Tsuenhoa, Kiennan, Founing, and Linniu; 4) to the west, the principality of Geschürten; 5) to

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the north, the territories of the Mongolian principalities of the Gherim confederation, which lie within the road leading from the city of Tsitsikar to Pekin, on the eastern side, and the Grand Kingghan mountains, on the western side. The Eminences and Reverend Fathers of this Congregation deliberated on this matter in a general meeting held on November 16th of the preceding month, concerning the question: "Should the territories also mentioned above, in addition to the large mandarinate of Iehol, be assigned to the Apostolic Vicariate of Mongolia Orientalis, according to the plan proposed by the Apostolic Vicars of Mongolia Orientalis and Mongolia Centralis?" To this question, the response was:

[*Latin ed. p. 114*]

Acts of the Apostolic See - Official Commentary 114, after deliberation, decided: "Affirmatively, both concerning the territory of Geschikten, and concerning the remaining territories, and it is declared that the Apostolic Vicars are already sufficiently provided for by the limits designated by the Holy Congregation in the preceding Decree." This judgment of the Most Reverend Fathers, Our Most Holy Father Benedict XV, in an audience granted to the Reverend Father, Secretary of this Holy Congregation, on the 23rd of the same month, deigned to consider as valid in all respects and to approve. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 12th of December, in the year of Our Lord 1914. Fr. H. M. CARD. GOTTI, Prefect. L. © S. C. Laurenti, Secretary.

II. DECREE ESTABLISHING THE APOSTOLIC PREFECTURE "OF SAPPORO" IN JAPAN.

Due to the successful apostolic labors of the students of the Parisian Seminary, established in the name of Christ, in the northern regions of the Japanese Empire, and also to the arrival of missionaries from other institutions, it was deemed opportune for the Reverend Father Alexander Berlioz, Bishop of Hakodate, to promote the work of the propagation of the Catholic Faith, so that a portion of his vast diocese might be erected into a separate mission. Regarding this matter, after mature deliberation by the Most Reverend and Illustrious Fathers of this Holy Congregation in the general meetings held on the 11th of the recently passed month of January, they decided to separate from the diocese of Hakodate: the large island of Hokkaido, also called Yesso, together with the smaller islands dependent upon it, with the exception of the civil province of Oshima and the small islands possibly subject to its jurisdiction; that part of the island of Sakhalin, recently placed under the authority of the Japanese Empire, together with the small dependent islands; and the islands then called the Kurile Islands, also subject to the same empire, which are located between the island of Hokkaido and the peninsula of Kamchatka. From these, it was

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decided to erect an Apostolic Prefecture, to be called from the principal city of the island of Hokkaido, "of Sapporo," and to entrust it to the Order of the Friars Minor, who, in previous times, through their evangelical zeal and also through the renowned glory of martyrdom achieved among their children, have greatly benefited the Catholic Religion in Japan. Eminent-

[*Latin ed. p. 115*]

The Holy Congregation of Propaganda Fide, having considered the opinion of one hundred and fifteen Fathers, which was reported by the Most Reverend Father, the Secretary of this Holy Congregation, to His Holiness Pope Benedict XV during the aforementioned audience, has been pleased to approve and ratify it in its entirety, and has ordered the drafting of the present Decree concerning this matter. Given in Rome, from the offices of the Holy Congregation of Propaganda Fide, on the 12th of February, in the year 1915.

Fr. H. M. CARD. GOTTI, Prefect.

L. £8 S. C. LAURENTI, Secretary.

FROM THE ROMAN CURIA DIARY

SECRETARY OF STATE

By means of tickets from the Secretary of State, the Holy Father has been pleased to appoint:

February 8, 1915. — The Most Reverend Cardinal Vincenzo Vannutelli, Protector of the Congregation of Missionary Sisters of Our Lady of Africa.

February 9. — The Most Reverend Cardinal Gaetano Bisleti, Protector of the Institute of the Ursuline Gerolimitine Sisters of Gandino, in the diocese of Bergamo.

February 10. — The Reverend Father Nicola Reuter, of the Order of Friars Minor Conventual, Consultor of the Holy Congregation of Religious.

February 11. — The Most Reverend Cardinal Antonio Vico, Pro-Prefect of the Holy Congregation of Rites.

February 15. — The Most Reverend Cardinal Antonio Guardi, Protector of the Institute of the Benedictine Sisters of Perpetual Adoration, of Ronco di Ghiffa in the diocese of Novara.

February 24. — The Most Reverend Cardinals Benedetto Lorenzelli, Prefect of Studies, Ludovico Billot, and Michele Lega, Presidents of the Roman Academy of Saint Thomas Aquinas.

February 27. — The Most Reverend Cardinal Gaetano Bisleti, Member

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of the Holy Congregation of Rites.

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis - Official Commentary. By Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotary, in the manner of those participating: February 6, 1915. — Monsignor Anthony Ribacchi, archdeacon of Gualdo Tadino. Domestic Prelates of His Holiness: January 30, 1915. — Monsignor James Ricci, canon and vicar general of the archdiocese of Siena. February 3. — Monsignor Thomas Waishe, archpriest, and Monsignor John McKenna, vicar general, of the archdiocese of Wellington. February 5. — Monsignor Joseph Guerri, prefect and administrator of the Apostolic Datary. — Monsignor Paul Mannens, vicar general of the diocese of Ruremonda. February 6. — Monsignor Pasquale de Maio, archdeacon of the cathedral chapter of Caserta. — Monsignor James Minozzi, primicerius of the same chapter. February 14. — Monsignor Professor George Reinhold, rector magnificus of the University of Vienne. HONORS. By Apostolic Briefs, the Holy Father has deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: February 2, 1915. — To Mr. Doctor Carmelo Arango, formerly extraordinary envoy and minister plenipotentiary of the Republic of Colombia to the Holy See. February 10. — To Mr. Don Angelo De Estrada, formerly extraordinary envoy and minister plenipotentiary of the Republic of Strasbourg to the Holy See. The Commanderate of the Order of Saint Gregory the Great, civil class: February 4, 1915. — To Mr. Knight Ugo Fusco di Salvatore, of the archdiocese of Naples. The Commanderate of the Order of Saint Sylvester the Pope: February 10, 1915. — To Mr. Lawyer Giulio Patriarca, legal procurator for the Most Holy Fathers and Brothers. February 19. — To Mr. Doctor Joseph Grasset, of the diocese of Montpellier. The Knighthood of the Order of Saint Gregory the Great, civil class: February 2, 1915. — To Mr. Nazareno Fausti, of Rome. February 14. — To Mr. Luciano Emanuele Poinçon La Blanchardière, of the archdiocese of Rennes.

[*Latin ed. p. 117*]

Diarium Romanae Curiae 117. The Knighthood of the Order of St. Sylvester, Pope: February 3, 1915. – To Mr. Piero de Pray, a painter. February 4. – To Mr. Engineer Guglielmo Palombi, of Rome.

THE HOUSEHOLD OF HIS HOLINESS. BY ORDER.

With letters from His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

November 9, 1914. – Mons. Gasparo Burggraf, of the diocese of Munich. – Mons. Pietro Erlacher, of the same diocese. – Mons. Lorenzo Galìinger, of

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the same diocese. – Mons. Gaspare Villebaldo Kaiser, of the same diocese. – Mons. Giuseppe Lechner, of the same diocese. – Mons. Antonio Vollnhals, of the same diocese. – Mons. Carlo Walterbach, of the same diocese.

November 10. – Mons. Andrea B. Meehan, of the diocese of Rochester.

November 12. – Mons. Giovanni Giacomo Hopstaken, of the diocese of Breda. – Mons. Antonio Schellekens, of the same diocese.

November 21. – Mons. Antonio Hensen, of the diocese of Harlem. – Mons. Giacomo Graaf, of the same diocese. – Mons. Lamberto Jansen, of the same diocese. – Mons. Giuseppe M. Taskin, of the same diocese. – Mons. Pietro Thier, of the same diocese. – Mons. Guglielmo Wittert van Hoogland, of the same diocese.

November 25. – Mons. Luigi Gavazzi, of Rome.

November 26. – Mons. Giulio Lacza, of the diocese of Giavarino. – Mons. Lodovico Czingraber, of the same diocese. – Mons. Lorenzo Barilich, of the same diocese. – Mons. Giovanni Ar Nitsch, of the same diocese. – Mons. Andrea Werdenich, of the same diocese. – Mons. Adalberto Z. Berty, of the same diocese.

November 30. – Mons. Giovanni Preti, of the diocese of Borgo S. Donnino. – Mons. Giacomo Giuseppe Donati, of the same diocese.

December 7. – Mons. Agostino Mucci, of the diocese of Arezzo.

December 12. – Mons. Massimiliano Lechleitner, of the diocese of Fulda.

December 16. – Mons. Giovanni Lucca, of the united dioceses of Nepi and Sutri.

December 22. – Mons. Giuseppe Conti, of the diocese of Fiesole.

December 23. – Mons. Geysa Szemethy, of the diocese of Gran Varadino.

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis - Official Commentary, December 23, 1914. — Monsignor Giuseppe Macchiceli, of the Archdiocese of Milan. December 24. — Monsignor Edoardo Dominik, of the Archdiocese of Olmiitz. December 31. — Monsignor Giuseppe De Felici, of the Diocese of Frascati. January 1, 1915. — Monsignor Raffaele Amato, of Rome. — Monsignor Paolo Albera, of the Archdiocese of Reggio Calabria. January 19. — Monsignor Antonio Málek, of the Diocese of Budweis. — Monsignor Francesco Beránek, of the same diocese. — Monsignor Pietro Steinbach, of the same diocese. — Monsignor Antonio Polansky, of the same diocese. — Monsignor Martino Fenle, of the same diocese. — Monsignor Carlo Slavik, of the same diocese. — Monsignor Giacomo Hoffelner, of the same diocese. — Monsignor Alfredo A. Sinnot, of the Diocese of Charlottetown. — Monsignor Lorenzo Jella, of the Diocese of Subiaco. — Monsignor Luigi Biferi, of the same diocese. — Monsignor Cirillo Riedl, of the Diocese of Brünn. — Monsignor Giuseppe Kupka, of the same diocese. — Monsignor Giovanni Kisling, of the same diocese. — Monsignor Mattia Kabelka, of the same diocese. —

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Monsignor Roberto Piacitelli, of Rome. January 23. — Monsignor Giuseppe Polvara, of the Archdiocese of Milan. — Monsignor Amedeo M. L. Crooy, of the Archdiocese of Malines. January 26. — Monsignor Pasquale Santo Martino, of the Diocese of Nictheroy. January 27. — Monsignor Antonio Carile, of the Diocese of Boiano. January 30. — Monsignor Giuseppe Lugaresi, of the Diocese of Cesena. — Monsignor Alfredo Vitali, of Rome. — Monsignor Antonio Farolfi, of Rome.

Honorary Chaplains in purple vestments of His Holiness: November 9, 1914. — Monsignor Luigi Cerebotani, of the Diocese of Munich. — Monsignor Costantino Joerg, of the same diocese. — Monsignor Nicola Paulus, of the same diocese. — Monsignor Giuseppe Pichler, of the same diocese. — Monsignor Corrado di Preysing, of the same diocese. — Monsignor Giovanni Thalmaier, of the same diocese. — Monsignor Giorgio Widmann, of the same diocese. — Monsignor Pietro Winkler, of the same diocese. November 18. — Monsignor Luigi Morelli, of the Archdiocese of Brindisi. — Monsignor Oreste Masini, of the Diocese of S. Miniato. November 21. — Monsignor Bernardo Klönne, of the Diocese of Harlem. — Monsignor Nicola Smenlders, of the same diocese. November 26. — Monsignor Ladislao Saly, of the Diocese of Giavarino. November 30. — Monsignor Angelo Gennai, of the Diocese of Volterra. — Monsignor Giovanni Bertapelle, of the Diocese of Vicenza. — Monsignor Alessandro Kalmar, of the Archdiocese of Colocza. December 7. — Monsignor Carmelo Parisi, of the Diocese of Patti. December 16. — Monsignor Luigi Ferrari, of the Diocese of Vicenza. December 23. — Monsignor Gioachino Bonardi, of the Archdiocese of Florence. — Monsignor Olinto Fedi, of the same Archdiocese.

[*Latin ed. p. 119*]

Diarium Romanae Curiae 119, January 11, 1915. — Monsignor Dario Valori, of the diocese of Volterra. January 19. — Monsignor Emanuele (Üerveny, of the diocese of Budweis. — Monsignor Anthony Pixa, of the same diocese. — Monsignor Theodore Kasper, of the same diocese. — Monsignor Francesco Herman, of the diocese of Bosnia and Sirmio. — Monsignor Peter Pejakic, of the same diocese. — Monsignor Vincent Martínez Gamez, of the diocese of Jaén. — Monsignor Edward Leone Lancelle, of the diocese of Cambrai. — Monsignor John Prosswitz, of the diocese of Brünn. — Monsignor Joseph Dvorak, of the same diocese. — Monsignor Francesco Bulla, of the same diocese. — Monsignor Francesco Kelbl, of the same diocese. — Monsignor Francesco Barelli, of the diocese of Imola. January 23. — Monsignor Raphael Paolicelli, of the diocese of Lucera. January 30. — Monsignor Cyril Zucchetti, of the diocese of Cremona. Honorary Chaplains *extra Urbem* of His Holiness: December 10, 1914. — Monsignor Francesco Paolo Grassi, of the diocese of Tricarico. December 16. — Monsignor Augustine De Razza, of the diocese of Ugento. December 23. — Monsignor Lawrence Brein, of the diocese of Gran

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Varadino. January 19, 1915. — Monsignor William Anderlió, of the diocese of Bosnia and Sirmio. January 28. — Monsignor Emilio Vasari, of the abbey of St. Lucy of Mela. Secret Chaplains of Sword and Cape, *supernumerarii* of His Holiness: November 12, 1914. — Mr. Ernesto Laane, of the diocese of Dresden. November 24. — Mr. Count John Baptist Paganuzzi, of the patriarchate of Venice. November 30. — Mr. Marquess Anthony Zacchia Rondinini, of the archdiocese of Bologna. — Mr. Baron Salvatore Pennisi di Fioristella, of the diocese of Acireale. December 10. — Mr. Count Cesare Sardi, of the archdiocese of Lucca. — Mr. Marquess Gustavo Sardi, of the diocese of Montpellier. December 22. — Mr. Peter, of the Counts Galeotti Ottieri della Ciaja, of the diocese of Chiusi. January 19, 1915. — Mr. Anthony de Egaña y Arregui, of the diocese of Vittoria. — Mr. Count Francesco Kwilecki, of the archdiocese of Gnesen and Posen. — Mr. Count Stephen Lacki, of the same archdiocese. — Mr. David Howell, of the diocese of Plymouth. January 26. — Mr. Marquess Lewis Gavolti, of the archdiocese of Genoa. — Mr. Count Raphael Emaldi, of the diocese of Imola. January 27. — Mr. Baron Roger Bruslé de Valsuzenay, of the diocese of Nancy. February 1. — Mr. Count Frederick Meis Colloredo, of the diocese of Cassovia.

[*Latin ed. p. 120*]

120 Acta Apostolicae Sedis - Official Commentary: Honorary Chamberlains of the Sword and Mantle, extraordinary, of His Holiness: November 21, 1914. — Mr. Giuseppe Andiloro, of the archdiocese of Reggio Calabria. November 28. — Mr. Giuseppe Salviucci, of Rome. Secret Honorary Chaplains of His Holiness: November 9, 1914. — Monsignor Anselm Arsan Adalar, of the diocese of Monaco. November 26. — Monsignor Giuseppe Nemeth, of the diocese of Giavarino. November 30. — Monsignor Vittorio Horváth, of the same archdiocese. — Monsignor Paul Winkler, of the same archdiocese. — Monsignor Tiburzio Revay, of the same archdiocese. December 16. — Monsignor George Naccari, of the diocese of Chioggia. December 23. — Monsignor Pasquale Di Domenico, of the archdiocese of Naples. January 19, 1915. — Monsignor Lorenzo Ciccone, of the archdiocese of Aquila. — Monsignor Mariano Lorenzo Chavez, of the diocese of Chachapoyas. — Monsignor Elia Ocampo, of the same diocese. January 27. — Monsignor Frederick Gambarelli, of the diocese of Bergamo. Honorary Chaplains beyond the City of His Holiness: November 26, 1914. — Monsignor Eugenio Dodek, of the diocese of Giavarino. November 30. — Monsignor Alessandro Fava, of the diocese of Borgo S. Donnino. — Monsignor Carlo Zgama, of the archdiocese of Colocza. — Monsignor Michele Hinger, of the same archdiocese. Necrology: February 6, 1915. — Monsignor Edward Gilpino Bagshawe, titular Archbishop of Seleucia of Isauria. February 15. — Monsignor Giuseppe Kahn, formerly Bishop of Gurk. February 16. — Monsignor Alfonso Bermyn, titular Bishop of Stratonica and Apostolic

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Vicar of Western Southern Mongolia. February 19. — Monsignor Charles Gustav Walravens, Bishop of Tournai. February 20. — Monsignor Edward Likowski, Archbishop of Gnesen and Posen. February 23. — Monsignor Leonida Mapelli, Bishop of Borgo S. Donnino. February 27. — Monsignor Cesare Boccanera, titular Archbishop of Nicosia.

[*Latin ed. p. 121*]

Year VII - Volume VII, March 15, 1915, No. 5

ACTA APOS TOLICAE SEDIS

OFFICIAL COMMENTARY

SACRED CONGREGATION CONSISTORY

I. ERECTION OF A NEW DIOCESE

Most Holy Father Benedict XV, by a decree of the Sacred Congregation Consistory of January 29, 1915, and by issuing Apostolic Letters sealed with the leaden seal, divided the territory of the Archdiocese of Antioquiensis, in the Republic of Colombia, into two parts, and while reducing the northern part of the aforementioned Archdiocese of Antioquiensis, erected a new Diocese of JericÃµ in the southern part, establishing it as a suffragan of the Metropolitan Church of Medellinensis. The new Diocese of JericÃµ has the same boundaries as the southern part of the Archdiocese of Antioquiensis, which previously surrounded it; except for the northern side, where it is separated from Antioquiensis by the southern limits of the parishes commonly called Antioquia and Frontino; so that the new Diocese includes the following parishes, commonly called: JericÃ², Andes, Ama, Betania, Betulia, Bolivar, Caycedo, Çaramanta, Concordia, Jardin, Puéblorrico, Salgar, Támesis, Tarso, Urrao, and Valparaiso.

II. CHANGE OF DIOCESE NAME

By Decree of the Sacred Consistory, February 12, 1915

Most Holy Father Benedict XV, exercising the fullness of Apostolic power, suppressed the ancient denomination of Bisarchiensi, and for the future, for the sake of ACTA, volume VII, no. 5. - March 15, 1915. 9

[*Latin ed. p. 122*]

122 Acta Apostolicae Sedis - Official Commentary — during which time, the Bishop, by name Urban of Ozieri, which is the Bishop's residence, established and decreed that he should henceforth be called "of Ozieri."

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III. CATHEDRAL TITLE, FOR HONOR'S SAKE, ASSIGNMENT. His Holiness Pope Benedict XV, by a decree of the Consistory on January 2, 1915, elevated the parish and collegiate church of St. Benedict, located in the city commonly called Gualdo Tadino, to the dignity of a cathedral, solely for the sake of honor, and likewise conferred the title of "Tadinensis" upon the city of the same name, so that henceforth the diocese and the Bishop of Nuceria may be called and should be called both "Nuceria" and "Tadinensis," together with all the rights and privileges of honor and jurisdiction which now pertain to the chapter of Nuceria and its cathedral church.

IV. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Consistory, His Holiness Pope Benedict XV provided for the following churches, namely:

February 11, 1915. — He appointed the Reverend Don Severiano Sainz, a vicar general of St. Christopher of Havana, as the prefect of the cathedral church of Matanzas.

February 22. — He appointed the Reverend Don Arnold Franciscus Diepen, a canon of the cathedral church of Bois-le-Duc, as the titular bishop of Danaba, and established him as a coadjutor with the right of succession to the Most Reverend Bishop of Bois-le-Duc.

February 23. — He appointed the Reverend Don Ioannes Baptista Perez, a canon of the metropolitan church of Valencia, as the titular bishop of Doryla, and established him as an auxiliary to His Eminence and Most Reverend Cardinal Archbishop of Toledo.

February 25. — He appointed the Reverend Don Antonius Monestel, the pastor of the parish of St. Anthony of Belen in the diocese of St. Joseph of Costa Rica, as the titular bishop of Sorens, and designated him as a coadjutor with the right of succession to the Most Reverend Bishop of Comayagua.

February. — He appointed the Reverend Don Emmanuel Vidal erBoullón, the apostolic administrator of Ciudad Rodrigo, as the titular bishop of Birthen.

[*Latin ed. p. 123*]

128 Sacred Congregation of the Consistory, February 26, 1915. — To the Metropolitan Church of St. John in Novae, Reverend Father Edward Patrick Roche, administrator of the archdiocese. — To the titular episcopal see of Halicarnassus, Reverend Father Thomas Francis Doran, general vicariate of the diocese of Providence, whom he appoints as Auxiliary to the Most Reverend Bishop of Providence. March 5. — To the Patriarchal Church of Venice, Reverend Father Peter La Fontaine, formerly Bishop of Charyste, and from the Secretariate of the Sacred Congregation of Rites. March 10. — To the cathedral church of Crato, Reverend Father Quintin Rodríguez de

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Oliveira et Silva, parish priest in the same city of Crato.

SACRED CONGREGATION FOR RELIGIOUS ORDERS. DOUBTS REGARDING THE INTERRUPTION OF STUDIES.

The following questions were proposed to this Sacred Congregation for Religious Orders:

I. Since it frequently happens that Religious students, without any fault of their own or of their superiors, are compelled to interrupt their studies for several months (e.g., due to illness or military service), it is asked whether such students are obliged to repeat the entire school year thus interrupted or shortened; or whether they can obtain a dispensation from their Superior General, with the advice of a deliberative vote of their Councilors.

II. Whether the examination or test of which mention is made in Response No. VI of the Decrees of this Sacred Congregation of September 7, 1909, must also be taken by students who have not studied any accessory discipline of Theology in schools; and if so, whether this examination, for these students as well as for others, can coincide with the examination usually taken at the end of the school year.

To these questions, the Most Reverend Fathers answered in the General Congregation of January 8, 1915:

I. Negatively, to the first part; affirmatively, to the second, provided that 1) the interruption or shortening of studies does not last for more than...

[*Latin ed. p. 124*]

Acts of the Apostolic See - Official Commentary 124, for more than three months; 2) that studies omitted from private schools have been completed; 3) and that, according to the testimony of the examiners or of the instructors, the students have completely learned the subjects concerning which action was taken during their absence from the schools. For the Second Examination, concerning which reference is made in the Response to No. VI of the Declarations of the Holy Congregation of the day of September 7, 1909, it is required for each omitted subject that a regular examination, even if taken at the end of the year, be sufficient, provided that it is established by the testimony of the examiners or of the instructors. And the Most Holy Pope Benedict XV, in an audience on January % 1915, graciously granted the following, having approved and confirmed these responses, to the undersigned Secretary. Notwithstanding any contrary provisions. * Given in Rome, from the Secretariat of the Holy Congregation of Religious, on March 1, 1915. O. CARD. CAGIANO DE AZEVEDO, Prefect. L.6BS. f Adulphus, Bishop of Canopita, Secretary. APPOINTMENTS By Apostolic Briefs, the following were appointed: January 30, 1915. — Titular Bishop of the Church of Priene and Apostolic Vicar of Saxonia, with confirmation of his election as Dean of the Chapter of St. Peter in Budissae and as

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Administrator of the Apostolic Prefecture of Lusatia, the Reverend Father Franciscus Löbmann, Canon of the same Chapter. February 13. — Titular Bishop of Solia or Soliorum, the Reverend Father Leonardus Baumbach, formerly Bishop of Nicopolis.

[*Latin ed. p. 125*]

SACRED CONGREGATION OF RITES.

DECREE OF BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE SERVANTS OF GOD, DERMITIUS O' HURLEY, ARCHBISHOP OF THE ORDER OF ST. FRANCIS, BISHOP OF DOWN AND CONNOR, AND ALBERT O' BBIEN, PREACHER, BISHOP OF IMOLE, OF THE ORDER OF CASSEL, CORNELIUS O' DEVANY, CANON, TERENTIUS AND OTHERS.

In Ireland, a land nourished by heroes, a fierce and furious persecution against Catholics arose during the sixteenth and seventeenth centuries. Besides the countless athletes of Christ who perished in it, and whose names, unknown to mortals, are written in the book of life, many, known by name and reputation, still live in the memory of men. Among these are fourteen prelates of the Church, many secular clergy, and other men belonging to religious families or orders, namely, the Prémontrés, the Cistercians, the Preachers, the Franciscans, the Augustinians, the Carmelites, the Most Holy Trinity, and the Society of Jesus, as well as lay and noble persons, to which are added six pious women. Since the opinion regarding their martyrdom appeared to be sufficiently established, informative processes were prepared in the ecclesiastical court of Dublin concerning the very fame of the martyrdom and the signs or miracles attributed to the aforementioned Servants of God. These processes, having been sent to the Sacred Congregation of Rites in Rome, were followed by several letters of petition from archbishops and bishops, especially from Ireland, and from other men of ecclesiastical or civil standing. And when all was ready, at the urgent request of the Reverend Father Michael O'Riordan, Apostolic Protonotary, Moderator of the Irish College in the City, and Promoter of the Cause, with the entire Catholic vote of Ireland in mind, His Eminence and Reverend Lord Cardinal Vincent Vannutelli, Bishop of Palestrina, and his Eminence, the Relator of the same Cause, in the assembly of the Sacred Congregation of Rites, held on the designated day at the Vatican, proposed the following question for discussion: "Is a Commission for the introduction of the Cause to be appointed, in this case and for the purpose in question?" And the Most Eminent and Reverend Fathers, entrusted with the safeguarding of the sacred Rites, after the report of the aforementioned Relator, having heard the opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, in writing, and after mature examination and deliberation

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on all matters, decided to write: "Appoint."

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis - Commentarium Officiale: It is to be hoped that, if it pleases the Most Holy [See], a Commission will be formed to commemorate the two hundred and fifty-seventh anniversary, namely: From the Archbishops: Dermot O' Hurley, Archbishop of Cashel; Richard Creagh, Archbishop of Armagh; Edmund Mac Gauran, Archbishop of Armagh; Malachy O' Queely, Archbishop of Tuam, all from the secular clergy. - From the Bishops: Maurice O'Brien, Bishop of Emly; Redmond Gallagher, Bishop of Derry, with three companions, Edmund Dungan, a tertiary of the Order of St. Francis, Bishop of Down and Connor; Heber Mac Mahon, Bishop of Glogher; Eugene Mac Egan, designated Bishop of Ross, all from the secular clergy; William Walsh, of the Cistercian Order, Bishop of Medway; Patrick O'Healy, Bishop of Maynooth; Cornelius O' Devany, Bishop of Down and Connor; Siobhan Egan, Bishop of Ross, all from the Order of St. Francis; Terence Albert O'Brien, of the Order of the Preachers, Bishop of Emly. From secular priests: Eugene Cronin, Lawrence O'More, Richard French, Aeneas Penny, John O' Grady, Maurice O' Kenraghty, Andrew Striteli, Bernard Moriarty, John Stephens, Walter Ternan, George Power, the general vicar; John Walsh, the general vicar; Nicholas Young, Daniel O' Moloney, Donough O' Cronin, a cleric; John O' Kelly, Brian Murchertagh, Donough O' Falvey, Bernard O' Carolan, Donatus Mac Gried, Patrick O' Derry, John Lune, Patrick O' Loughran, Lewis O' Laverty, Philip Gleary, Henry White, Theobald Stapleton, Edward Stapleton, Thomas Morrisey, Thomas Bath, Roger Ormilius, Hugh Garrigi, Bernard Fitzpatrick, Daniel Delaney, Daniel O'Brien, James Murchu, James O' Hegarty. - From the Praemonstratensian Order: John Kieran, or Mulcheran. - From the Cistercian Order: Gelasius O' Cullenan, Nicholas Fitzgerald, the Prior and companions of the monastery of St. Saviour; Patrick O' Connor, Malachy O' Kelly, the Abbot and monks of the monastery of Magh; Eugene O' Gallagher, Bernard O' Treivir, James Eustace, Malachy Shiel, Edmund Mulligan, Luke Bergin. - From the Order of the Preachers: Father Mac Ferge with companions, thirty-two religious of the convent of Londonderry; John O' Luin, Donough O' Luin, William Mac Gollen, Peter O' Higgins, Cormac Mac Egan, Raymond Keogh, Richard Barry, John O' Flaverty, Gerald Fitzgerald, David Fox, Donald O' Neaghten, James O' Reilly, Dominic Dillon, Richard Oveton, Stephen Petit, Peter Costello, William Lynch, Myler Mac Grath, Lawrence O'Ferrai, Bernard O'Ferrai, Ambrose Aeneas O' Cahill, Edmund O' Beirne, James Woulf, Vincent Gerard Dillon, James Moran, Donatus Niger, William O'

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Connor, Thomas O' Higgins, John.

[*Latin ed. p. 127*]

The following are members of various religious orders and laymen:

From the Congregation of the Oblates of Saint Joseph: David Roche, Bernard O'Kelly, Thaddeus Moriarty, Hugh Mac Goill, Raymond O'Moore, Felix O'Connor, John Keating, Clement O'Callaghan, Daniel MacDonei, Felix MacDonnell, Dominic MacEgan.

From the Order of Saint Francis: Conor Macuarta, Roger Congaill, Fergus Ward, Edmund Fitzsimon, Donough O'Rourke, John O'Lochran, Cornelius O'Rourke, Thaddeus or Thomas O'Daly, John O'Dowd, Daniel O'Neilan, Philip O'Lea, Mauritius O'Scanlon, Daniel Himrecan, Charles Mae Goran, Roger O'Doneilan, Peter O'Quillan, Patrick O'Kenna, James Pillanüs, Roger O'Hanlan, Felimeus O'Hara, Henry Delahoyde, Thaddeus O'Meran, John O'Daly, Donatus O'Hurley, John Cornelius, Dermitius O'Mulroney, Brother Thomas with his companion, John O'Molloy, Cornelius O'Dogherty, Calfrid O'Farrel, Thaddeus O'Boyle, Patrick O'Brady, Matthew O'Leyn, Terentius Macmepp, Lochlonin Mae O'Cadha, Magnus O'Fodhry, Thomas Fitzgerald, John Honan, John Cathan, Francis O'Mahony, Hilary Conroy, Christopher Dunlevy, Richard Butler, James Saul, Bernard Horumley, Richard Synnot, John Esmond, Paulinus Synnot, Raymond Stafford, Peter Stafford, Didacus Cheevers, Joseph Rochford, Eugene O'Leman, Francis Fitzgerald, Anthony Musaeus, Walter de Wallis, Nicholas Wogan, Dionysius O'Neilan, Philip Flasberry, Francis O'Sullivan, Jeremiah de Nerihiny, Thaddeus O'Caraghy, William Hickey, Roger de Mara, Hugh Mac Keon, Daniel Clanchy, Neilan Loughran, Anthony O'Farrel, Anthony Broder, Eugene O'Cahan, John Ferali, Bonaventure de Burgo, John Kearney, Bernard Connaeus.

From the Order of Saint Augustine: Thaddeus O'Connell, Augustine Higgins, Peter Taffe, William Tirrey, Donatus O'Kennedy, Donatus Serenan, Fulgentius Jordan, Raymond O'Malley, Thomas Tullis, Thomas Deir.

From the Carmelite Order: Thomas Aquinas a Iesu, Angelus a S. Joseph, Peter a Matre Dei.

From the Order of the Most Holy Trinity: Cornelius O'Connor, Eugene O'Daly.

From the Society of Jesus: Edmund MacDanieli, Dominic O'Collins, William Boyton, Robert Netterville, John Bath.

From the laity and nobility: William Walsh, Oliver Plunkett, Daniel Sutton, John Sutton, Robert Sherlock, Matthew Lamport, Robert Myler, Edward Cheevers, John O'Lahy, Patrick Canavan, Patrick Hayes, Daniel O'Hannan, Mauritius Eustace, Robert Fitzgerald, Walter Eustace, Thomas Eustace, Christopher Eustace, William Wogan, Walter Alymer, Thaddeus Clancy, Peter Meyler, Christopher Roche, Michael Fitzsimon, Patrick

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Browne, Thomas Mae Creith, John de Burgo, Brian O'Neil, Arthur O'Neil, Rodrig O'Kane, Godfrey O'Kane.

[*Latin ed. p. 128*]

Acts of the Apostolic See - Official Commentary 128: Alexander Mae Sorley, Franciscus Tailler, Hugo Mac Mahon, Cornelius Maguire, Donatus O'Brien, Iacobus O'Brien, Bernardus O'Brien, Daniel O'Brien, Dominicus Fanning, Daniel O' Higgin, Thomas Stritch, Ludovicus O'Ferrai, Galfridus Galway, Patricius Purcell, Theobaldus de Burgo, Galfridus Baronius, Thaddaeus O' Connor of Sligo, Ioannes O' Connor, Bernardus Mae Briody, Felix O'Neil, Eduardus Butler. - Among the women: Eleonora Birmingham, Elisabetha Kearney, Margarita de Cashel, Brigida Darcey, Honoria de Burgo, Honoria Magan. - Regarding the remaining twenty-three Servants of God: Further investigations and supporting evidence are required. On February 9, 1915. Subsequently, a report concerning these Servants of God was presented to our most holy Lord Benedict XV by the undersigned Secretary of the Sacred Congregation of Rites, and His Holiness, having approved the decision of the same Sacred Council, deigned to sign with his own hand the commission for the introduction of the cause of these two hundred and fifty-seven aforementioned Servants of God, on the 1st of the same month and year. ANTONIUS CARD. VICO, S. B. G. Pro-Prefect. L. "S. F." Petrus La Fontaine, Bishop of Chariestien, Secretary. STATUTES OF THE ROMAN ACADEMY OF ST. THOMAS AQUINAS, ISSUED BY THE MOST HOLY POPE BENEDICT XV, BY HIS OWN INITIATIVE, ON DECEMBER 31, 1914. The Roman Academy of St. Thomas Aquinas exists for the purpose of illuminating, defending, and safeguarding the philosophy of the Angelic Doctor. It uses the Latin language. The Academy is presided over by three Cardinals of the Holy Roman Church; among these, the Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith holds the first place; there are also a secretary and two assistants; to whom this office is entrusted for a period of three years, and the term may be renewed. The Academy comprises professors, members, and students; among the students,

[*Latin ed. p. 129*]

I. The Sacred Congregation has the power to confer the degree of Doctor, and to add those declared Doctors to the ranks of the members. II. The Masters shall, at least once during each academic year, deliver lectures on the books of St. Thomas on matters of philosophy, especially both Commentaries on Aristotle and on Boethius; they shall also preside over the students' disputations, which must also be held weekly during the second half of the academic year, and together with the members, they shall judge what each student has merited in the exercises of learning. III. Students shall be young men of good hope, who, having completed the ordinary

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period of three years of study in philosophy, shall devote themselves to sacred theology, using the text of the Summa of St. Thomas. And they shall participate in public syllogistic disputations, which shall concern both the theses which the Sacred Council for the regulation of studies approved on the twenty-seventh of July, 1914, and other matters which shall be prescribed each year by the Most Eminent Presidents, in consultation with the Masters of the Academy, either defending or arguing. Furthermore, each month, one Master and one member shall read aloud some philosophical writing. IV. A student who seeks the degree of Doctor in philosophy of St. Thomas, and who wishes to demonstrate his knowledge both in writing and orally on any topic of philosophy, whether it pertains to the speculation of truth or to morals, shall not be admitted unless he has attended the lectures and disputations for at least two years, and has successfully held two of these disputations. V. He who has obtained the degree of Doctor in philosophy, if he wishes to become a member of the Academy, shall continue to attend the lectures and disputations for another two years, and shall publicly defend the entire philosophy of St. Thomas with merit. VI. A candidate shall be considered successful if he receives two-thirds of the votes. The examiners or judges of doctrine, who have the right to vote, shall be chosen by the Most Eminent Presidents; and there shall always be at least three of them: and each shall have three points, to be assigned secretly, for both approval and disapproval. Those who are members of the Academy's commentaries, as well as the two who are below them in rank, shall not have the right to vote, unless they are performing the duties of examiners; however, one of them shall always be present when examining the candidates, and shall record the outcome of the matter. VII. At the end of the academic year, at the proposal of the Most Eminent Presidents, a competition of learning shall be held in writing. The writings shall be judged by those whom the Academy has designated. If more than one seem to deserve the prize, each shall receive the entire prize, and not a divided one. VIII. A certain prize shall also be given to Masters and members, either for the lectures they have given, or for the writings they have composed.

[*Latin ed. p. 130*]

130 Acta Apostolicae Sedis - Official Commentary: To those who have been present with the groups, and also to the students, for the discussions in which they have participated, whether in defending or arguing, an award will be given. These awards, as well as all other expenses to be incurred annually, will be determined by the Eminent Presidents; and those who are in charge of the Academy's records will subsequently render an account to the Presidents. Given from the Sacred Congregation of Studies, on the 12th of March, 1915. B. CARD. LORENZELLI, Prefect. A. Dandini, Secretary.

CONCERNING PRIESTS WHO ARE NOT CHAPLAINS AND WHO BE-

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LONG TO THE ARMY, WITH REGARD TO THE FACULTY OF HEARING THE CONFESSIONS OF THE FAITHFUL DURING WAR.

After the promulgation of the decree given on December 18, 1914, concerning chaplains of the military, with regard to the faculty of hearing the sacramental confessions of the faithful during war, the following question was proposed to this Sacred Penitentiary: "Can priests who, by any title, belong to the army, during war, while accompanying the army, enjoy all the faculties with which military chaplains are endowed, according to the decree of the Sacred Penitentiary given on December 18, 1914?"

The same Sacred Penitentiary, after mature consideration of the matter, with the benevolent assent of our most holy Pope Benedict XV, has decreed that the following answer should be given: "Affirmatively, provided that the priests in question have previously received the faculty to hear the confessions of the faithful, either from their own Ordinary or from another Ordinary, and that this faculty has not been positively revoked." Contrary opinions notwithstanding.

Given at Rome, in the Sacred Penitentiary, on the 11th of March, 1915. S. CARD. VANNUTELLI, Major Penitentiary. L. g* S. I. Palica, Secretary.

[*Latin ed. p. 131*]

The Sacred Roman Rota, Cordoba, in America. During the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the first of February, 1915, the Most Reverend Fathers and Doctors, William Sebastian, Dean, Ponens, Seraphinus Manu, and Franciscus Heiner, Auditors, in the cause of Cordoba, in America, concerning the rights of the Chapter of the greater church of Cordoba, the plaintiff represented by the legitimate procurator, the advocate Christopher Astorri, and the Bishop of Cordoba, the defendant, with the Reverend Promoter of Justice present, delivered the following final judgment. In the year of Our Lord 1571, the Governor of Tucumán, in South America, while establishing a new city, to which the name Cordoba was given, designated a certain area for the construction of a new parish church, to be built in honor of Our Lady of the Rock. However, not the entire area donated was used for the construction of the church, but a large part remained free, surrounding the church on all sides. The church, not yet a century after its construction, completely collapsed, and was rebuilt. And by Pope Innocent XII, in the year 1699, it was elevated to the dignity of a cathedral church. Indeed, the Pope wished that the Chapter of the cathedral church of Saint James of the East be transferred to the new church, which was demanded by King Charles II of Spain in the year 1700. The Bishop, Mercadillo, constructed on the aforementioned area a diocesan seminary, a sacristy, and other buildings. A part still remained, facing the street now called April 27th. On this part, the current Bishop of Cordoba, in the year 1905, ordered the construction of ten houses, without consulting the Chapter, which therefore, on August 17th, 1911, inquired by

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letter: "1) With what funds were the houses built on the 'land belonging to the Cathedral'? 2) Have the debts been paid in full, and in what state do they currently stand? 3) What is the intended use of the income produced by these houses?" The Bishop, on...

[*Latin ed. p. 132*]

132 Acta Apostolicae Sedis - The official commentary, on October 25th of the same year, stated that the domain over the land and the houses built on that land belonged to the Chapter, and not to the Bishop. Having received this response, the Chapter, considering that its rights had been violated by the Bishop, obtained a commission from the Pope, and brought the matter before the Sacred Ordinary Tribunal, and today the question to be resolved is presented under the following doubt, agreed upon by the parties: Does the Cathedral Chapter, or the Ordinary of Cordoba in America, have dominion or other rights over the land in question? Regarding the law, the following observations were made by the Lords Fathers: In the Neogranatin provincial council held in 1858, concerning the dominion over ecclesiastical matters, it is written: "The supreme dominion over ecclesiastical matters belongs to the head of the entire Church, to protect and defend its goods, and to regulate their administration; but the direct and specific dominion over each individual church belongs to that church to which the title of possession is attached." Therefore, the property of such ecclesiastical goods belongs to the churches themselves; the administration, however, belongs to their pastors. But when the case concerns a cathedral church, the more probable, indeed the more common and legally sound opinion is that the administration of the goods of the cathedral church belongs to the Bishop together with the Chapter. This is derived from chapter Relatum, 12, De testamentis, in which the Pope, after deciding that goods acquired by a cleric for the benefit of the church should remain to the church upon the death of that cleric, adds: "By the name 'church,' however, not the Bishop or the successor of the deceased cleric, where there is a college of clerics, but the common congregation is understood, which must have canonical distribution and care of those things." Therefore, with regard to goods acquired for the benefit of the church, or the church's own property, the Pope attributed dominion and administration not only to the Bishop, but to the common congregation of clerics, i.e., the Chapter. And it should be noted that in this chapter, the matter is not only about collegiate chapters, but also about cathedral chapters, as is evident from the words "by the name 'church,' not the Bishop, but the common congregation is understood." In agreement with these points, the Sacred Rota in decision 16, P. I. Recent, states: "The Chapter has a well-founded intention regarding the administration of the goods and revenues of the church." Almost all canonists hold this opinion, especially the more recent ones. Thus, Bouix: "According to the disposition of the law, and the most accepted opinion of the Doctors,

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it is established that the governance and administration of the cathedral church belongs to the Chapter together with the Bishop... and neither the Chapter without the consent of the Bishop, nor the Bishop without the consent of the Chapter, can validly decide anything" (De Capitula, page 471).

[*Latin ed. p. 133*]

The Roman Rota, in Session 133, repeats what Lombard writes in his *Institutiones*, Volume II, page 795, number 4, stating that "there are certain matters concerning which the chapter, even if it is a cathedral chapter, cannot establish statutes, such as those concerning the 'status of the diocese'; and there are also matters concerning which neither the chapter alone, nor the prelate alone, can decide, but only jointly, such as 'those pertaining to the administration of the cathedral church.'" The eminent Gennari also states (*Questioni Canoniche*, number 379): "This [cathedral church] belongs to the chapter under the authority of the bishop. Thus, the head [of the chapter], *De testam.*... And yet, Reclusi wrote (*de parodi*, number 143): 'The bishop and the chapter jointly have administration and dominion over the church.'" And indeed, as De Luca writes in *Ann. ad C. T.*, discourse XXXI, number 1, "the cathedral church is formed jointly by the bishop and the chapter, by the former as the head, and by the latter as the remaining body; therefore, if ecclesiastical jurisdiction belongs to the entire body, wherever it resides, although in most cases the exercise [of that jurisdiction] belongs to the head," much more so should this be said of the administration of the cathedral church itself. Administration includes all those acts which pertain to the preservation and improvement of the substance, of ecclesiastical things already acquired, or which pertain to the legitimate collection, preservation, alienation, and especially the application of ecclesiastical fruits and revenues (Wernz, Volume III, number 143). Now, to the facts. The property in question, as we have said, is part of the area that the governor of the Tucumán region donated for the construction of a parish church. "And immediately (it is read in the founding instrument of the city of Cordoba), the aforementioned governor took a wooden cross in his hands, and placed it in the place of two areas, in the main square of said city, which he declared and designated 'for the main church in the name of his Majesty'... and taking the very reverend Father de Herrera, curate and vicar of said city, by the hand, he gave him possession of said two areas in the name of said church." Therefore, the property was donated to the parish church, and the vicar received possession of the property in the name of that church. If, therefore, after the church was built, a part of the area remained, that part did not cease to belong to the church. When, in the year 1699, it was raised to the status of a cathedral, that is, when the cathedral status was transferred from the church of the city of Santiago del Estero to the church of Cordoba, by virtue of this elevation, the disputed

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property passed into the dominion of the cathedral church itself. When any parish church is raised to the status of a collegiate church or a cathedral, all of its goods and rights pass into the possession of the...

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis - The official commentary states that a collegiate or cathedral church, unless an exception is expressly stated in the founding bull for some special benefit or right. The reason is that goods and rights are accessory to the church itself, and therefore they should follow the nature of the principal entity; thus, the entire parochial entity, consisting of the church and its attached goods, becomes a collegiate or cathedral entity, as the Rota stated in Salutiarum before Many, July 1, 1913. However, we find no express exception in this case, either in the founding bull of Innocent XII or in the executive decree of Charles II. No difficulty can arise from the fact that the care of souls has been continuously exercised in the larger church of Cordubensi, as in ancient times, without any dependence on the chapter. Indeed, the care of souls is in no way connected with the property rights of the church itself, and the parish priest, although free and independent from the chapter, has absolutely no right to claim the administration of goods belonging to the cathedral church. This independence only entails that the parish priest can administer the sacraments and perform other parochial functions, which are strictly within the purview of parochial law, as noted by Emus Gennari in the aforementioned passage, citing the decision of the Sacred Congregation of Rites of September 13, 1879, in Baionen. And it should be noted that in the larger church of Baionen, the parish priest is free and independent from the chapter, just as in the church of Cordubensi. Furthermore, the goods of the ancient parochial church, and in particular the land adjacent to the church, have been transferred to the cathedral church, and the Fathers have derived this from certain facts that are found in the records: 1) The chapter, immediately after the erection of the cathedral, took steps to have some storage buildings (commonly called "magazzini") constructed on the land adjacent to the church, using wood and stones from the ruins of the old church, for various uses. 2) The Bishop of Mercadillo, two years after the transfer of the chapter from S. Iacobo dell'Estera to Cordubam, discussed with him the erection of a seminary "within the enclosure" of the Cathedral Church of this city, "within which enclosure some storage buildings have been constructed, which were built with the wood and bricks from the fallen church." The Bishop and the chapter decided that the seminary should be built, but that the construction of the church should be compensated for the storage buildings, which were to be demolished for the construction of the seminary. "Consequently, the cost of the work of the storage buildings should be paid to the church, with the exception of the value of the wood and materials, etc." 3) When the see was vacant, in the year 1820, the capitular vicar, or, in other words, the

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provisional administrator, wished to erect some tombs for the clergy "on the exterior sides of the cathedral church," and also to install "a veranda of iron, and also two for the towers of the bell tower." The chapter, duly assembled, legitimately deliberated on this matter, and solemnly gave its consent.

[*Latin ed. p. 135*]

The Roman Rota rendered its judgment in 135. These facts clearly demonstrate that the property in question was located adjacent to the cathedral church and belonged to it. Finally, the Fathers wished to examine the reasons by which the Bishop of Cordoba attempted to justify his claim to the disputed property. These reasons are indicated by the same prelate in a response to the chapter dated October 25, 1911, and can be reduced to three: 1) that the property was formerly used as a cemetery; 2) that it was completely abandoned by the chapter; and 3) that the Bishop has established a long prescription of ownership. However, the first reason has no weight. For it is not to be doubted that the area in question was a cemetery: although this may seem to be questioned by the advocate for the chapter, it is clearly evident from the records. Thus, in the year 1585, the parish priest of the then newly built church buried a certain deceased person in a road that ran in front of the church, separating it from the buildings of the civil chapter, and the priest was ordered to remove the body and bury it in areas designated for burial and adjacent to the church: "His Lordship ordered the parish priest to exhume the aforementioned body and to bury it in one of the enclosures that have been designated for that purpose by the aforementioned cathedral church"; or, as the Bishop of Cordoba writes: "The civil chapter protested again and ordered the vicar to have the aforementioned body disinterred and placed in the part of the land designated for the aforementioned cathedral church." However, even with this admitted, just as the parish church passed into the domain of the cathedral church upon its erection, so too, a fortiori, did the cemetery, as an accessory to the parish church, as expressly stated in chapter one of "De cons. eccl. et altaris" in VI. It cannot be denied that the parish retained some use of this cemetery: for just as it retained some use of the church itself after its erection into a cathedral, namely, the use of a chapel for the exercise of parochial functions, so too it retained the use of the cemetery for the burial of its dead. In other words, after the erection, the cemetery passed into the domain and administration of the cathedral church, with the reservation of the use appropriate to the parish. However, when, in the year 1843, cemeteries were moved outside the city by order of the civil authorities, this aforementioned use also ceased, and the cemetery reverted entirely to the cathedral church in terms of domain, administration, and use. Nor is there any validity in what is presented in the second place by the Bishop, namely, that the property was abandoned by the chapter: "On the other hand, the

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abandonment of things in this way is not done without stripping people of their rights. After more than two hundred years of abandonment..."

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis - Commentarium Officiale: "There would be no canonist nor jurist who could recognize rights 'to administer to the venerable chapter, even if it had possessed them' (Episcopus in the aforementioned response). But, first of all, according to Roman law, Justinian, *De rerum divisione*, paragraph 46, concerning abandonment, it is stated that the owner has rejected the property, 'so that he does not wish it to be considered among his things, and therefore he ceases to be its owner immediately' (cf. D. LL. 2 and 5, *Pro derelicto*. XLI 7). However, this cannot be applied to our case, especially since this abandonment would have been a true alienation, which could not have been accomplished without certain formalities, of which no trace or mention is found anywhere. Furthermore, given the negligence on the part of the chapter, the argument could be best turned against the bishop, to whom the power to administer the property would not be granted, since he himself abandoned it and left it neglected. The argument of prescription remains. But it is well known that the first and material element of prescription is possession. However, when dealing with ecclesiastical goods, prescription cannot be completed unless there is possession for forty years, as stipulated in canon law, *cap. Be quarta* 4; *cap. Ad aures* 6; *cap. Blud.* 8; *cap. Quis* 9, *De praescriptionibus*. However, the bishop does not prove this long possession; for the first act of possession of the disputed property was made by him and does not go back further than the year 1905, when, indeed, he ordered it to be excavated for the laying of foundations, intending to build several houses in that area. Furthermore, setting aside other matters, prescription does not run without a title, at least a colorable one; but, as we have seen, neither the donation made in the foundation of the church, through the vicar Perez de Herrera, nor the erection of a parish church in the cathedral, nor the closure of a cemetery, can be considered a title. From all of this, it is clear that the bishop built on another's land, that is, on land belonging to the cathedral church, and consequently, according to Roman law, those ten houses become the property of the land, i.e., the cathedral church, and the annual income from the rental of the houses belongs to the same church: 'Everything that is built belongs to the soil' (Inst. par. 30. *De rerum divisione* II, 1, adeo quidem 7, 10, and 12. D. *De acquirendo rerum dominio*, XLJ, 1). Since it cannot be proven that the bishop acted in bad faith, and it is established that the chapter tacitly consented to the construction of the houses for the benefit of the church, then, according to the same Roman law and according to natural law itself, the church cannot enrich itself at the expense of another (reg. XL VIII *Iuris in VI*). Therefore, the cathedral church is obligated to refund the bishop the expenses he incurred in building the houses (l. 7 Par.

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12. D. *De adquisitione rerum dom.* XLI-a), or at least the increase in the value of the land, if in the area of Argentina the provision of the French Civil Code, article 555, is in force, which has been adopted by the Italian Civil Code, article 449, which reads: 'Se il proprietario..."

[*Latin ed. p. 137*]

137 The Roman Rota "prefers to preserve the plantations and constructions, and must, in turn, pay the value of the materials and the cost of labor, or 'the increase in value brought to the property.'" After all these matters have been diligently considered, both in law and in fact, We, the undersigned Auditors of Tournon, sitting for the Tribunal, and with only God before our eyes, invoking the name of Christ, decree, establish, and definitively judge, answering the proposed question: "Whether the dominion of the property and of the houses, and whether the expenses incurred in the same, are to be borne by the one who holds them, or at least whether the increase in value of the property is to be borne by the ecclesiastical administration: to the bishop, the expenses of the value of the property, if it is a cathedral; to the church, the expenses of the houses; to the bishop, the expenses incurred in the construction of the cathedral; according to the civil laws in force in the Republic of Argentina." However, We wish that the expenses be compensated between the parties, except for the costs of the judgment, which must be fully paid by the winning party. Thus We pronounce, commanding the Ordinaries of the places and the officials of the tribunals to which this pertains, that they order the execution of this judgment, and that they proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reforms of the Council of Trent, using the executive and coercive means that are more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 1st of February, 1915. G. Sebastiani, Dean. S. Many. F. Heiner. L.S. From the Chancery, 12th of February, 1914. Sac. T. Tani, Notary. ACTA, vol. VII, n. 5. - 15-3-1915. 10

[*Latin ed. p. 138*]

138 Acta Apostolicae Sedis - Official Commentary

SECRETARY OF STATE

DECREE CONCERNING PRAYERS FOR PEACE, PRESCRIBED BY THE MOST HOLY FATHER, WHICH MAY BE REPEATED ON MARCH 21ST.

The Holiness of Our Lord, Pope Benedict XV, having considered the pious request of many faithful, and particularly of the Italian Priests Adorers, who, moved by devotion to the Most Holy Eucharist, and also by the desire to contribute, through repeated prayers, to obtaining from divine mercy

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the grace of peace, have implored the faculty to be able to repeat, in the churches of Europe, on the 21st day of the current month of March, the sacred functions which the same Holiness has ordered, for that day, in the dioceses outside of Europe, has graciously deigned to grant the aforementioned request, readily granting the requested faculty to those who wish to freely avail themselves of it, and granting a Plenary Indulgence to all those who, having confessed and received Holy Communion, attend the sacred functions, or pray for some time before the Most Holy Sacrament exposed for the adoration of the faithful.

From the Vatican, March 15, 1915.

P. CARD. GASPARRI

Secretary of State.

II. LETTER TO THE ILLUSTRIOUS MAN, COUNT JOSEPH DALLA TORRE, PRESIDENT OF THE POPULAR UNION OF ITALIAN CATHOLICS.

Illustrious Sir,

In agreement with the desire expressed by Your Illustrious Self in the esteemed document of February 12th of the current year, I have taken the initiative to present to the Holy Father a report concerning the private meeting recently held in Pisa, under the wise guidance of that Eminent Cardinal Archbishop.

[*Latin ed. p. 139*]

The Secretariat of State, number 139, having been informed by a select group of authoritative and competent individuals, who were engaged in studying and proposing the most effective means for greater coordination of work and the promotion of Catholic Action in Italia, I am therefore pleased to inform Your Excellency that His Holiness, animated by the desire to promote, with every suitable means, the development of Italian Catholic Action, and to ensure that it corresponds most effectively to the character and needs of the times, has not failed to give her sovereign attention to the various topics appropriately discussed at the conference. And first of all, I am grateful to report that His Holiness was satisfied with the entirety of their discussions, as these, while responding to Her august aspirations for the advancement of Catholic Action and for its adequate direction, do not introduce substantial modifications to the structure of the Popular Union, as it was desired by Her venerated and illustrious Predecessor, Pope Pius X, may he rest in peace, nor do they alter the constitution of other Unions. Furthermore, having recognized, among the aforementioned topics, special importance in the wise proposal for the creation of a Committee, intended to assist the President of the Popular Union in his directorial functions, His Holiness has deigned not only to approve this proposal, but also to adopt it as Her own. Therefore, the

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august Pontiff has charged me to inform you that it is Her will that, in accordance with and in confirmation of Her dispositions concerning the supreme directorial functions entrusted to the Popular Union in relation to the entire Catholic movement of Italia, the Governing Council of the aforementioned Union shall elect, within one month from this date, a Committee of eleven members, which shall be presided over by the President of the Popular Union, and which shall include, by right, the President of the Economic and Social Union, the President of the Electoral Union, the President of the Society of Italian Catholic Youth, and the President of the Union of Italian Catholic Women. This Committee, which shall meet at least once a month and shall have a term of three years, will have the important task of giving Italian Catholic Action a programmatic direction, and of fostering unity of thought and concord of purposes among Catholics and their organizations, after consulting with the Presidents of the individual Unions regarding the Unions themselves, and particularly in matters of a specific and technical nature concerning their respective spheres of action; and it will also oversee the faithful, prompt, and fruitful implementation of common decisions. In this way, that movement of Catholic Action, which, at the beginning of the establishment of the five Unions, was parallel, will now,

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis - Due to altered conditions and the changing needs of the times, a concentric aspect; and a salutary consequence will also result from the fact that the remaining four Unions, which, according to the thought of the reigning Pontiff, must always be considered as a species in relation to the genus, now, from a work that has been isolated until now, will participate in the very guiding life of the entire Italian Catholic action, and, by making profitable the practical experiences and the knowledge of their own Sodality, they will also contribute to the organic coordination of the manifold activities of the various branches. As a result of this arrangement, and especially of the preeminence of the Popular Union over the other Catholic Unions, it will no longer be necessary to rotate the Presidencies in the supreme government of Catholic action. This government will reside in its stable center, and to this, through the aforementioned tempering, the lights and forces of the entire organism will converge. The august Pontiff also desires that, in order to achieve the aims of Catholic action, insistence be placed on securing the observance of two provisions currently in force in the Statutes, namely, the enrollment in the Popular Union of all militant Catholics of Italy, and the organization of the same in every and each diocese and in every and each parish; so that, in fact, and not only in the spirit of Catholic action, this be the starting point and the cornerstone of the Italian Catholic movement. With the confidence that the well-known zeal of Your Excellency and the sincere willingness to work, which animates the

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Presidents and the Governing Councils of the other Catholic Unions, will instill new vigor from the very beginning of this Pontificate in all Catholics of Italy to achieve that expansion of movement and that utility of successes which are in His august intentions, the Supreme Pontiff heartily blesses the persons and the Catholic Sodalities of Italy. And I, in informing Your Excellency of these Sovereign dispositions, gladly seize this opportunity to reaffirm with sentiments of sincere and distinct esteem for Your Excellency. From the Vatican, February 25, 1915.

Devotedly, P. CARD. GASPARRI.

[*Latin ed. p. 141*]

Diary, Roman Curia 141.

DIARY OF THE ROMAN CURIA.

SACRED APOSTOLIC PENITENTIARY.

NOTICE OF COMPETITION.

It is hereby notified that in the sacred Tribunal of the Apostolic Penitentiary, a competition will be held for a position of Official, through oral and written examination. The written examination will take place on the 24th day of the coming month of April, at 8 o'clock. The oral examination will be held on the 27th, at 9 o'clock. Priests who desire to participate in this competition must, no later than April 22nd, present to the Secretariat of said sacred Tribunal an application accompanied by the necessary documents for admission.

From the Secretariat of the Holy Penitentiary, March 15, 1915.

O. Perosi, Regent.

SECRETARY OF STATE.

APPOINTMENTS.

By letters from the Secretary of State, the Holy Father has deigned to appoint:

March 1, 1915. — His Eminence, Cardinal Anthony Vico, Protector of the Institute of the Little Sisters of the Abandoned Elderly, of Valenza.

March 3. — His Eminence, Cardinal Aidan Gasquet, Member of the Sacred Congregation of Rites.

March 3. — His Eminence, Cardinal Filippo Giustini, Protector of the Institute of the Servants of Mary.

March 10. — His Eminence, Cardinal Raphael Merry del Val, Protector

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of the Society of the Ladies of the Sacred Heart.

— His Eminence, Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Sisters of "Notre-Dame de Sion."

— His Eminence, Cardinal Guglielmo van Rossum, Protector of the Institute of the Religious Sisters of Saint Juliana in Belgium.

March 13. — His Eminence, Cardinal Gaetano Bisleti, Protector of the Institute of the Handmaids of Charity, which has its motherhouse in Brzesc.

March 14. — His Eminence, Cardinal Domenico Serafini, Protector of the Institute of the Capuchin Sisters of the Third Franciscan Order, under the title of the Divine Shepherdess, which has its motherhouse in Sarria (Barcelona).

By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistant to the Papal Throne:

February 15, 1915. — Monsignor Giovanni Battista Correa Nery, Bishop of Campinas.

[*Latin ed. p. 142*]

142 Acta Apostolicae Sedis - Official Commentary of the Apostolic Protonotary for the information of those present: March 2, 1915. — Monsignor Luigi Scarano, general vicar of the diocese of Treviso. March 5. — Monsignor Fabio Berdini, general vicar of the diocese of Imola. — Monsignor Domenico Baruzzi, archpriest of the cathedral of the same diocese. Domestic Prelates of His Holiness: February 28, 1915. — Monsignor Bonaventura Tomassini, canon of the cathedral of Nocera Umbra. March 2. — Monsignor Simone Medicbini, prior of S. Angelo in Spatha at Viterbo. March 9. — Monsignor Francesco Perez de Acevedo, of the archdiocese of Santiago de Cuba. HONORS With Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of St. Gregory the Great, civil class: February 23, 1915. — To the Most Noble Count Bartolomeo Domenico Lippay, of Vienne. The Commanderate of the Order of St. Sylvester: February 14, 1915. — To the Reverend Professor Giuseppe Scarpa, of the diocese of Treviso. The Knighthood of the Order of St. Gregory the Great, civil class: February 19, 1915. — To the Most Noble Nicola Cori Marinunzi, of the principality of Monaco. March 3. — To the gentlemen Giuseppe and Angelo Nalbone, of the diocese of Girgenti. The Knighthood of the Order of St. Sylvester: March 4, 1915. — To the gentleman Giuseppe Dangl, mayor of Breitenstein-Semmering, in the archdiocese of Vienne. March 5. — To the gentleman Gaetano Gallo, of the diocese of Bisignano. MAJORDOMO OF HIS HOLINESS APPOINTMENTS By Letters of His Eminence, the aforementioned Monsignor, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: October 15, 1914. — Monsignor Spiridione Pensa, of the diocese of Malta. November 10.

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— Monsignor Andrea B. Meehan, of the diocese of Rochester. — Monsignor Alfonso M. Agius, of the diocese of Malta. November 13. — Monsignor Valentino Puchovszky, of the diocese of Neutra. — Monsignor Stefano Hartsar, of the same diocese. — Monsignor Francesco Beziak, of the same diocese.

[*Latin ed. p. 143*]

Diarium Romanae Curiae 143, November 21, 1914. — Monsignor Pietro del Prete, of the diocese of Calvi. November 23. — Monsignor Giacomo Pompen, of the diocese of Bois-le-Duc. — Monsignor Cornelio Carlo Prinsen, of the same diocese. — Monsignor Leonardo Berkvens, of the same diocese. — Monsignor Giuseppe van Gennip, of the same diocese. — Monsignor Filiberto M. van den Heuvel, of the same diocese. — Monsignor Anthony Hordyk, of the same diocese. — Monsignor Teodorico Boscia, of the diocese of Troia. — Monsignor Secondino de Stefano, of the same diocese. November 30. — Monsignor Lewis Scmelcz, of the diocese of Szathmár. — Monsignor Enrico Hasenkamp, of the diocese of Münster. — Monsignor Bernard Nienhaus, of the same diocese. — Monsignor Everardo Schwarcz, of the same diocese. — Monsignor Francesco Richter, of the same diocese. — Monsignor Teodoro Kochineyer, of the same diocese. — Monsignor Bernard Pille, of the same diocese. — Monsignor Francesco Schumacher, of the same diocese. — Monsignor Giulio Müller, of the same diocese. — Monsignor Frederick Schmidt, of the same diocese. — Monsignor Ernesto Windthorst, of the archdiocese of Cincinnati. December 5. — Monsignor Alessandro Testi-Rasponi, of the archdiocese of Bologna. December 12. — Monsignor Giovanni Drzanió, of the diocese of Gurk. December 16. — Monsignor Ermanno Scheiermann, of the diocese of Osnabrük. — Monsignor Enrico Degen, of the same diocese. — Monsignor Bernard Beckschäfer, of the same diocese. — Monsignor Bernard Schmitz, of the same diocese. December 22. — Monsignor Luigi Guadagnini, of the diocese of Padova. — Monsignor Giuseppe Lancillotto Dal Mutto, of the same diocese.

Chamberlains of honor in peacock blue vestments of His Holiness: November 10, 1914. — Monsignor Pasquale Fuzzolini, of the diocese of Cotrone. November 13. — Monsignor Leone Schmidt, of the diocese of Neutra. — Monsignor Stefano Német, of the same diocese. — Monsignor Andrea Skrábik, of the same diocese. — Monsignor Stefano Kondor, of the same diocese. — Monsignor Lewis Gruska, of the diocese of Kaschau. — Monsignor Barnaba Tost, of the same diocese. November 18. — Monsignor Riccardo Tacconi, of the diocese of Spalato and Makarska. — Monsignor Emidio Tagnozzi, of the diocese of San Miniato. November 23. — Monsignor Norberto Baekers, of the diocese of Bois-le-Duc. — Monsignor Arnold Jansen, of the same diocese. — Monsignor Giovanni Battista Franken, of the same diocese. — Monsignor Anthony Vermenlen, of the

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same diocese. — Monsignor Francesco Lambermont, of the same diocese. — Monsignor Leonardo Jürgens, of the same diocese. — Monsignor Adriano Hermus, of the same diocese. November 26. — Monsignor Paolo Gladich, of the diocese of Giavarino. November 30. — Monsignor Guglielmo Arrenbrecht, of the archdiocese of KolÃn. — Monsignor Robert Hamon, of the diocese of Szathmár. — Monsignor Alessandro Fibiger, of the same diocese.

[*Latin ed. p. 144*]

144, Acta Apostolicae Sedis - Commentarium, Officiale, November 30, 1914. — Monsignor Luigi Wolkenberg, of the same diocese. — Monsignor Enrico Laakmann, of the diocese of Münster. — Monsignor Bernardo Hauschop, of the same diocese. — Monsignor Oscar Eppinck, of the same diocese. December 12. — Monsignor Roberto Klimsch, of the diocese of Gurk. — Monsignor Valentino Podgorz, of the same diocese. December 31. — Monsignor Antonio Colli, of the diocese of Reggio Emilia. — Monsignor Giovanni Bertoldi, of the same diocese. Extraordinary Knights of the Holy Sepulchre: September 25, 1914. — Mr. Francesco Vitali, of the diocese of Fermo. October 31. — Mr. Enrico Rosier, of the diocese of Saint-Claude. November 4. — Mr. Baron Felice Roeder de Diersburg, of the archdiocese of Freiburg im Breisgau. November 30. — Mr. Count Otto de Westphalen, of the diocese of Münster. — Mr. Baron Massimiliano de Geyr Schweppenburg, of the same diocese. — Mr. Baron Federico de Schorlemer-A-lst, of the same diocese. — Mr. Count Clemente Droste ex Vischering, of the same diocese. — Mr. Baron Clemente de Twickel, of the same diocese. — Mr. Count Massimiliano Droste ex Vischering, of the same diocese. December 16. — Mr. Baron Giovanni de Blücker, of the diocese of Osnabrük. — Mr. Baron Bertriffulö de Höbe Gelting, of the same diocese. December 22. — Mr. Baron Luigi Menghin-Brezburg-Brimnenthal, of the diocese of Trento. — Mr. Count Carlo Lair, of the diocese of Angers. December 31. — Mr. Engineer Severo Severi, of the diocese of Reggio Emilia. Honorary Knights of the Holy Sepulchre: November 21, 1914. — Mr. Doctor Rinaldo d'Onofrio, of the diocese of Treviglio. November 23, 1914. — Mr. Carlo Kleckens, of the diocese of Bois-le-Duc. — Mr. Bernardo van Vlijmen, of the same diocese. — Mr. Antonio Swane, of the same diocese. November 26. — Mr. Eugenio Selvaggi-Arno, of the archdiocese of Taranto. — Mr. Commissioner Alessandro Maupetit, of the diocese of Limoges. — Mr. Beniamino Cimini, of the archdiocese of Amalfi. Honorary Chaplains of His Holiness: December 12, 1914. — Monsignor Carlo Wohlandt, of the diocese of Gurk. — Monsignor Raffaele Kozak, of the same diocese. Honorary Chamberlain *extra Urbem* of His Holiness: December 9, 1914. — Monsignor Bernardino Rezzi, of the diocese of Viterbo. Necrology: March 4, 1915. — Monsignor Giovanni Celestino Douais, Bishop of Beauvais. March 5. — Monsignor Rodolfo

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Hittmair, Bishop of Linz.

[*Latin ed. p. 145*]

Year Til - Vol. VII, March 31, 1915, No. 6. ACTA APOTOLICAE SEDIS, OFFICIAL COMMENTARY. SACRED CONGREGATION CONSISTORIAL. CIRCULAR LETTERS TO THE ORDINARYS OF THE UNITED STATES, CONCERNING THE CARE OF ITALIAN IMMIGRANTS. Since hundreds of thousands of Italians are accustomed to emigrate to various regions of the United States each year, it has come about that many places and states are filled with them. These, although they are Catholics, and even though they establish only a temporary residence in America, nevertheless, according to divine and ecclesiastical laws, while they reside there, they are under the care and solicitude of the Ordinary of that place. Therefore, it is necessary to strive that suitable spiritual assistance be not lacking to so large a multitude, lest so many souls redeemed by the divine blood perish miserably, and that the Catholic cause suffer great detriment, both in the United States and in Italy. Indeed, many Most Reverend Bishops, conscious of their office, have striven with all their might to this end, and have therefore deserved much praise before God and the Church. But the matter is fraught with difficulties. For, in the first place, the immigrants are largely farmers and laborers, often uneducated and simple; and therefore, they are more easily subject to the snares and evil designs of the unfaithful. Furthermore, although these people quickly learn some common words of the local language for the urgent necessities of life, they scarcely ever attain to a full knowledge of it; hence, they are hindered from performing sacramental confession, nor can they be strengthened by the preaching of the divine word or the explanation of the catechism, unless there are priests available who know the Italian language, and who sometimes also are familiar with the vernacular of some Italian province; whom, however, it is neither easy nor convenient to find and provide. ACTA, vol. VII, n. 6. — 31-3-1915. 10.

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis - Official Commentary. Finally, the emigrants, of whom we speak, do not usually converge in a single place, nor are they always found where Catholic churches and priests are present, but rather they disperse here and there, where they find work and wages; this makes it more difficult to provide them with assistance and support, and they themselves, deprived of spiritual aid, are more easily ensnared by the temptations of vice and false doctrines. For these reasons, it has happened that many thousands of people, even among the faithful who have emigrated from Italia, according to the opinion of those who dedicate themselves to ethnographic studies, have, in recent years, suffered a great loss for the Church, having shipwrecked in their faith. The only remedy to

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avert this great evil is to increase the number and efforts of those priests who, burning with zeal and piety, are skilled in the Italian language and, if necessary, also in the vernacular, and who dedicate themselves to the care of Italian emigrants. To this end, the Supreme Pontiff Pius X, of blessed memory, by his Motu proprio, already mentioned, on March 19, 1914, decreed the establishment of a college in the City, in which young priests would be educated and prepared with appropriate exercises in piety, law, and languages, so that they might be available to assist the Ordinaries of America in the support of Italian immigrants. His Holiness, Pope Benedict XV, among the first concerns of his pontificate, also considered it necessary to provide this college with suitable buildings and to request contributions from the Bishops of Italia to cover the expenses for this college, and therefore, through the Sacred Congregation of the Consistory, appropriate letters were sent on December 6, 1914. However, due to the raging war, which is staining so much of the world, and to which has been added the recent and terrible earthquake in Italia, only modest assistance has been provided so far. But if Christian charity so generously supports the propagation of the faith in barbarian nations, it should be believed that it will not fail to support the preservation of the faith among its own children. In order that the studies of the Holy See in this matter may be kept before the eyes of the Bishops of Rome and America, a copy of the Motu proprio already mentioned, the letters of this Sacred Congregation of December 6, 1914, and the Decree are attached to this letter. And for the sake of the ethnographic studies; and for the cause of Italian immigrants, which is of such great importance to both Italia and the future of America, they are commended to their piety and devotion. Rome, February 22, 1915. C. CARD. DE LAI, Secretary. L. & S. P. Pisani, Substitute for Emigration.

[*Latin ed. p. 147*]

The Holy Congregation for the Discipline of the Sacraments, Melitene. Doubts concerning the authority of Ordinaries to permit the celebration of Mass as an act of devotion.

In the general assembly of the most eminent and most reverend Fathers Cardinals of this Holy Congregation, held on the 20th of March, 1915, the following doubts concerning the authority of Ordinaries to permit the celebration of Mass as an act of devotion ("Acta Apostolicae Sedis," Rome, and others, Vol. IV, p. 725) were proposed:

I. Whether Ordinaries, for just and reasonable causes, and with due regard for the laws that must be observed, can, as an act of devotion, permit the celebration of Mass in a private home, on any day.

II. Whether Ordinaries, for just and reasonable causes, and with due regard for the laws that must be observed, can, as an act of devotion, permit the celebration of Mass in a private home, for those who enjoy the Indult of the Domestic Oratory, even on those days which are excepted in the

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granted Indult.

And the most eminent and most reverend Fathers, after mature deliberation, judged that the following answers should be given:

To I: Affirmative.

To II: Affirmative, provided that there are other just and reasonable causes for which the Indult of the Domestic Oratory was granted.

These answers were approved and confirmed by our most holy Pope Benedict XV in an audience held with the undersigned Secretary on March 22, 1915.

Given in Rome, from the Secretariat of this Holy Congregation, on March 22, 1915.

PHILIPPUS CARD. GIUSTINI, Prefect.

L. S.

Aloisius Capotosti, Bishop of Thermi, Secretary.

[*Latin ed. p. 148*]

Acts of the Apostolic See - Official Commentary 148. HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE ESTABLISHING THE APOSTOLIC PREFECTURE OF ZAMBESIA IN ANGLICA RHODESIA. The Most Reverend Fathers of this Holy Congregation, having held plenary sessions on the first day of the month of March, considered it opportune to elevate the Zambesian Mission in ANGLICA RHODESIA, which has been entrusted to the care of the missionaries of the Society of Jesus, who have diligently cultivated it since the year 1879 and have brought it to a flourishing state, to the rank of an Apostolic Prefecture, maintaining the ecclesiastical boundaries by which it is now circumscribed. This opinion, having been reported by the Most Reverend Lord N. Benedict, Pope XV, by divine providence, through the undersigned Secretary of the same Congregation, in an audience on the eighth day of the aforementioned month, was approved in its entirety by His Holiness, who deigned to declare it valid and ordered the present decree to be issued. Given at Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the ninth day of March, 1915. Fr. H. M. CARD. GOTTI, Prefect. Rev. Fr. Laurenti, Secretary. II. DECREE CONCERNING THE LIMITS OF THE APOSTOLIC PREFECTURE OF SENEGAL TO THE NORTH. In order that more suitable ecclesiastical governance might be provided for the coast of Mauritania, bordering the Atlantic Ocean, where European fishermen often reside and seek the solace of the Church, the Most Reverend Fathers of this Council for the Propagation of the Faith, in general sessions held on the first day of March, decided that said coast, together with the interior territory of Mauritania, should be separated from the missions of Gardaia and Saharan, respectively, and added to the Apostolic Prefecture of Sene-

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gal. Senegal.

[*Latin ed. p. 149*]

The Holy Congregation of Propaganda Fide, therefore, decrees that a mission be established, extending northward, to the northern civil limits of Mauritania, and to the east, it is defined by the 10th degree of longitude west (according to the meridian of Paris), which, starting from the aforementioned limits of Mauritania, descends to the well of Aratan; then, by a line that, passing through Aiun Latrus, reaches the well of Umu; thence, along the 16th degree of north latitude, to Kankossa, and finally, along the course of the river Korákoro; the remaining boundaries of the mission of Senegal being maintained. This decision, having been presented by the Most Holy Father Benedict, by the divine providence, Pope XV, through the undersigned Secretary of the same Holy Congregation, in an audience on the 8th day of the aforementioned month, was approved in its entirety by His Holiness, who deemed it worthy of acceptance, and ordered that the present decree be issued. Given at Rome, from the offices of the Holy Congregation of Propaganda Fide, on the 10th of March, in the year of Our Lord 1915. Fr. H.” M. CARD. GOTTI, Prefect. L. © S. C. Laure H ti, Secretary.

APPOINTMENTS:

By a brief apostolic decree, dated March 15, 1915:

— Bishop of Saint Peter and of Arcis Gallicae, or Martinique, Reverend Father Paul Aloysius Joseph Lequien, a member of the Congregation of the Holy Spirit.

By a decree of the Holy Congregation of Propaganda Fide, dated March 11, 1915:

— Apostolic Administrator of the apostolic vicariate of Canton, Reverend Father Adulfus Rayssac, formerly of the Paris Foreign Missions, titular Bishop of Cotyene, Apostolic Vicar of Tchao-Tchiou.

[*Latin ed. p. 150*]

150 Acta Apostolicae Sedis - Official Commentary

SACRED CONGREGATION FOR THE RITUALS

VERAPOLY

The Archbishop of Verapoly reverently presented the following matter to the Sacred Congregation for the Rituals, for appropriate declaration: In the place of Verapoly, there exists a Metropolitan Church, the mother of all the churches of the archdiocese of Verapoly, in which the Discalced Carmelite religious, who reside there, exercise their offices and sacred functions, and also serve the faithful through the preaching of the divine word and the administration of the sacraments. Hence, the question arises:

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Whether in the Metropolitan Church of Verapoly, the regular calendar of the Order of the Discalced Carmelites ought to be observed, according to the decrees S. R. C. 4150, Ratisbon, January 27, 1905, and 4252, Secovien, April 22, 1910, or whether the diocesan calendar, duly approved by the Apostolic See, should be followed? And the Sacred Congregation for the Rituals, after careful consideration of the opinion of a special commission, decided that the proposed question should be answered as follows: Negatively, regarding the first part; and the decrees cited do not apply to cathedral or metropolitan churches: Affirmatively, regarding the second part. And thus it was written and declared on March 20, 1915.

ANTONIUS CARD. VICO, S. B. G.

Pro-Prefect.

L. % S. f

Petrus La Fontaine, Bishop of Charysten, Secretary.

[*Latin ed. p. 151*]

The Roman Rota, 151. SACRED ROMAN ROTA OF BENEVENTO. PRECEDENCE. During the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 4th of January, 1915, the Most Reverend Fathers, Judges Joseph Mori Ponens, Frederick Cattani, and Anthony Perathoner, acting in their turn, in the case of Benevento-Precedence, between the Sodality of the Most Holy Death, the plaintiff, represented by the legitimate procurator, Advocate Angel D'Alessandri, and the Sodality convened by the Most Precious Blood of Our Lord Jesus Christ, the defendant, represented by the legitimate procurator, Advocate Nazareno Patrizi, rendered the following final judgment. In the town commonly called Montefalcione, there exist two sodalities: one called the Sodality of the Most Holy Death, or the Good Death, under the patronage of Saint Anthony, the Virgin Immaculate, and the Most Holy Body of Christ; the other, the Sodality of the Most Precious Blood of Our Lord Jesus Christ, under the protection of the Blessed Virgin Mary, commonly called "della Cintura" and "della Salette." The first is of very ancient foundation, having been canonically established under Archbishop Ursini by a papal bull on the 11th of May, 1695, and subsequently aggregated to the archsodality of Prayer and Death of the City; later, it was also recognized by civil authorities through a royal decree granted in the year 1793 by Ferdinand IV, King of both Sicilies. In contrast, the second is of recent foundation, having been canonically established by a papal bull on the 11th of January, 1883. The newly established sodality immediately attempted to claim the right of precedence in processions and other ecclesiastical functions over the other sodality, for various reasons, either because, as it asserted, the Sodality of the Most Holy Death lacked canonical erection, or because its

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transfer to various churches, and more recently to its own oratory, had not been legitimate; or finally, because the title of the Most Holy Death belonged to another sodality which had now ceased to exist. These claims were rejected by the general vicar of Benevento by a decree dated the 19th of May of the aforementioned year, 1883, declaring that the right of precedence belonged to the Sodality of the Most Holy Death. Meanwhile, the Sodality of the Most Precious Blood was, by an apostolic brief dated the 29th of August, 1895, elevated to the title of archsodality, for honor only, and without the faculty to...

[*Latin ed. p. 152*]

152 Acta Apostolicae Sedis - Official Commentary concerning the aggregation of sodalities, as indicated by the brief itself. Having obtained this privilege, the aforementioned sodality vigorously insisted before the curia of Benevento that it was owed precedence due to the honorable concession granted to it; however, this petition was completely rejected by the vicarius generalis through repeated decrees of July 8, 1898, and March 1, 1909. Nevertheless, the aforementioned sodality, under the patronage of the Precious Blood, again petitioned and presented a brief, whereupon the Ordinary, adhering to an extrajudicial decree of June 26 of the following year, and following the decision of the Most Holy Congregation of Rites in Abellinum of August 18, 1877, granted precedence to the petitioning sodality. Upon learning of this, the opposing sodality of Monte Morto instituted a legal action before the same curia, primarily requesting that witnesses be admitted in order to demonstrate its peaceful possession of precedence, which it has held since ancient times, and to challenge the exhibited brief, alleging that it was obtained fraudulently. The plaintiff's petition was granted by an incidental judgment of the court of August 9, 1911, whereupon the opposing party, or the convened sodality, appealed to the Sacred Roman Tribunal, to which the case was transferred, with the prior consent of the contending sodalities, as granted by a decree of the Pontifical Commission of March 23, 1912, along with the opportunity to present arguments against the aforementioned brief. After the examination of witnesses presented by both sides, and since the advocates of the parties did not agree on the resolution of the doubt, a decree was issued on May 15, 1912, stating the following: Whether the sodality of Monte Morto, or rather, the sodality of the Precious Blood, is entitled to precedence in the case now being discussed and resolved today. Regarding the right in question, it is well established that the Constitution of Gregory XIII, "Exposcit pastoralis officii..." of July 25, 1583, was issued to resolve controversies, whether arising or about to arise, concerning the right of precedence among brothers of mendicant orders or among different sodalities in processions, both public and private. In it, concerning the aforementioned confraternities contending for precedence, it is stipulated: "That those who are in quasi-possession of precedence and

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the right of precedence, with all 'reclamations, protests, appeals, and other subterfuges' completely removed and ceased, must precede in processions, both public and private. When, however, it is not proven or established that a particular sodality is in quasi-possession of precedence, then those who have previously used the sacristy in processions, both public and private, must precede." Therefore, the rule for resolving such questions is that custom and quasi-possession should take precedence; but where it is uncertain which sodality is in quasi-possession of precedence, then all...

[*Latin ed. p. 153*]

The Roman Rota has stated that the greater antiquity of the institution is a major factor in determining precedence, as evidenced by the Gregorian Constitution, and as cited by Bassus, de Sod., q. 11; Barbosa, de Iu. Eccl., lib. 2, cap. 11; Ferraris, Bibl. can., v. Confrat., art. 6; and the Rota in numerous decisions referenced in the Luccan Precedence decrees, 173 before the Cursus, and most recently in Miieten, before Sincero on January 16, 1913, as found in Acta Ap. Sedis, V. 5, p. 74. From this, it is clear that in controversies concerning precedence between sodalities, account should not be taken of dignity, but only of antiquity and possession. Cardinal De Luca, de Praeeminentia, dis. 24, n. 4, confirms this: "One argument consisted of the Constitution of Gregory XIII, which is regularly the norm for such controversies, namely, that 'the antiquity of the foundation must be considered,' and the other on custom, to which sufficient weight must be given in this matter." Indeed, Benedict XIV, in his Inst. eccl., Instit. 105, n. 85, adds: "No limits have ever been placed on this Constitution, except for the sodalities which are called by the Most Holy Sacrament, to whom it is always granted to precede in those processions in which the most sacred Eucharist is carried, provided that they use a pallium and are accustomed to participate in other processions as well. Then they must obey those things which are prescribed by Gregory XII, as the Holy Congregations of Rome and the Tribunal of the Rota have decreed." Therefore, no exception or distinction is made except for the sodality of the Most Holy Sacrament when it is actually accompanying the Most Holy Eucharist, in which case it precedes all other sodalities and archsodalities. Therefore, the Gregorian Constitution is always presumed to be in force in processions, according to the well-known axiom: "Exceptio firmat regulam in contrarium seu in casibus non exceptis," as found in Caus. 6, dist. 32, quaest. 7 in the decree of Gratian, and leg. 4, de pen. leg. The Holy Congregation of Rites followed this rule, as can be seen from numerous resolutions, especially in the Thelesina decree, n. 291, and in the Nepesina decree, 251, in the first volume of the Collection of Authentic Documents, in which it declared that, with regard to questions of precedence, one should not depart from the aforementioned Constitution of Gregory XIII. Also, see the R. Rota in Recent., p. 21, decree 320, and p. 14, decree 198, in which it is expressly stated: "The common law grants a more

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honorable place to the older (confraternity)." Therefore, the application of the axiom "Prior in tempore potior" holds true in law. Furthermore, this doctrine of precedence, to be maintained not by reason of dignity but by reason of antiquity, is upheld in other matters as well. Benedict XIV illustrates this in de syn. dioec, lib. 3, cap. 10, n. 8: "It sometimes happened that one collegiate church, although more recent, had used a large cope by apostolic privilege, which the canons of the older collegiate church could not wear, to whom a similar indulgence had not been granted. Therefore, the more recent collegiate church..."

[*Latin ed. p. 154*]

154 Acta Apostolicae Sedis - Official Commentary: "The canons, together with the more respectable and honorable clerical vestment, contended that they had equally acquired the right to precede the canons of the older collegiate church, who wore only a simple habit. However, the Holy Congregation of Rites, to which the matter was brought, judged that such insignia of honor do not denote any precedence, nor do they prejudice the rights of others; therefore, it decreed that in this particular case, precedence should belong to the older collegiate church." Currently, there is also a dispute in which the sodality of the Precious Blood, having obtained the honorary title of archiconfraternity without the right to incorporate others, claims that it is owed precedence over the older sodality of Mount of the Dead, which is already in possession of precedence, but which does not enjoy the aforementioned privilege. The Fathers [of the Holy See] could not admit this claim, since it is contrary, both to the spirit of the Gregorian Constitution and to established jurisprudence. However, since the sodality of the Precious Blood continues to insist on the honorary title of archiconfraternity in order to claim precedence, the Fathers considered it necessary to determine whether this title, in itself, implies precedence over simple confraternities and derogates from the rule contained in the Gregorian Constitution. The promoter of the sodality of the Precious Blood affirms this, and, since it is not mentioned anywhere in law or canon, he seeks to prove his point with two resolutions of the Holy Congregation of Rites. The first concerns the sodalities and archiconfraternity of the Blessed Virgin of Carmel in the town of Monteforte in the diocese of Avellino, which had obtained this title by an apostolic brief in the year 1876, and the Holy Congregation of Rites, when consulted regarding precedence on August 18, 1877 (decision 3433 Coli. Authent.), responded: "It declared precedence for the archiconfraternity of the Blessed Virgin of Carmel over all other archiconfraternities that were established after it, and over all confraternities, except for the procession of the Most Holy Body of Christ." The second resolution of the same Holy Congregation is found in a document (decision auth. 3381) in which it was declared: "The precedence of the archiconfraternity of the Holy Cross begins from the date of the dispatch of the apostolic letters [or brief] of

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March 13, 1855," whereas the aforementioned sodality had petitioned that precedence be assigned to it by reason of its founding. The promoter also cites another resolution of the aforementioned Congregation, namely, in Nuceria Paganorum of March 1, 1894 (decision auth. 3819), but this does not apply to the case, because the precedence granted was not due to the title of archiconfraternity, but because in the year 1887 it had become a consodality of the Third Order, as clearly stated in the response to the first question. Regarding these other cited resolutions, the Fathers of the Holy See observed that it is not possible to draw a general conclusion from two particular cases.

[*Latin ed. p. 155*]

The Roman Rota, in case number 155, based on special law or customary practice, has ruled that the honorary title of archisodality takes precedence over other sodalities, even those older; this custom, as is often said in such matters, applies to both sides [of the issue, citation needed]. This particular law, which is in force in some towns in southern Italy, is derived from the "Neapolitan Precedence" case, which was heard before the Sacred Congregation of the Council in 1897. In that case, the following was stated: "Indeed, in this town, the custom has prevailed that if any sodality is elevated to the title of archisodality, it immediately precedes all other sodalities, even if it previously did not enjoy precedence by law. This custom appears to be based more on special law or customary practice than on common law; for the title of archisodality seems to refer more to other sodalities of the same kind and to establish a primary or superior rank among them, and not to be considered as indicating absolute priority and a higher rank than all other sodalities, even those of a different kind and nature." The origin and foundation of this particular law lies in a royal decree of Ferdinand II, King of both Sicilies, dated December 16, 1853, which states: "Precedence in public functions is granted to archisodalities in conjunction with sodalities, and among the former, precedence will be regulated by the date of the decree elevating them to the dignity of archisodality." However, although this decree explains the origin of the introduction of this particular law in some towns within the Neapolitan jurisdiction, it has no force in itself, and especially in the present case, because, by virtue of the concordat of 1818 between the Apostolic See and the King of both Sicilies, the latter has no power to regulate the rights or privileges of sodalities whose establishment has been approved by ecclesiastical authority. This is evident from a decision of the Sacred Congregation of the Council in a Manfredonia Precedence case dated September 10, 1896, in which the only consideration taken into account in determining precedence was the priority of establishment, even though the opposing sodality of the Purification claimed priority based on royal approval, and was later in its canonical establishment. Similar cases, such as the Baren Precedence case

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dated May 25, 1901, and the Acerenza Precedence case heard before the same Sacred Congregation, confirm this doctrine, and are referenced in the ecclesiastical journal "Monitor ecclesiastico," series 2, volume 3, page 145, with appropriate observations. Furthermore, the decision issued in the aforementioned Neapolitan case, dated April 2, 1898, in favor of the sodality of the Most Holy Rosary, which was granted precedence, is not relevantly cited by the patron of the sodality of the Precious Blood.

[*Latin ed. p. 156*]

156. The Acts of the Apostolic See – Official Commentary concerning other, older sodalities in the town of Torre Annunziata, due to the obtained charter of archsodalicity; for the initially presented decision did not become a final judgment due to an appeal interposed by the opposing sodalities of Saint Augustine and Saint Monica, and the question remained unresolved in the subsequent fifth and final session on September 10, 1898, as the matter was dismissed with a delayed response. Secondly, the present case differs greatly from the aforementioned Neapolitan case, for in this case, there was no possibility of impugning the pontifical charter obtained, while, on the contrary, regarding the charter of the archsodalicity granted to the sodality of the Precious Blood, the granting of the right to speak was challenged, as can be seen from the response of the Pontifical Commission, mentioned at the beginning of this discussion. Following the granting, the Fathers [of the commission] appropriately noted the following in law. Reiffenstuel, *Jus Can.*, title on rescripts, no. 202, speaking of pontifical rescripts that are given at the request of the parties, and of rescripts with a "Motu Proprio" clause, states the following regarding the latter: "A Motu Proprio, or a clause with a Motu Proprio, supplements the defect of explicit expression of the true intention, which arises as in chapter 'Si motu proprio et Ciernen. Si romanus 4 de praeben....'" and adds below, "it has no effect on the prejudice of the rights of a third party, and therefore does not confirm the grace, when the quality concerning the rights of a third party is silent, as if the Pope were to grant a benefit to someone by Motu Proprio which is a right of patronage... and this not for lack of explicit expression (for this has no place where the prince spontaneously grants the grace without anyone requesting it), but because it does not appear to be the intention of the granting prince; for the prince, in doubt, and unless he expresses otherwise, is not presumed to intend to prejudice a third party." But if the Pope wishes to avoid prejudice to a third party in rescripts or concessions with the aforementioned clause, it is all the more to be presumed in graces granted at the request of the parties. Elsewhere, this fully corresponds to Rule XVIII of the Chancery, concerning the non-nullification of acquired rights, which is expressed as follows: "Our Lord also decreed and declared that his intention was that 'henceforth, through any signature or concession or grace, or through Apostolic Letters for concessions or mandates or dec-

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larations of this kind, even if by Motu Proprio and with certain knowledge, or even if before a lawsuit has arisen from his Holiness, or made at his command, no right acquired in any way shall be taken away.'" Therefore, from the aforementioned doctrine, the Fathers, even with the precision made regarding the question of whether or not the charter was obtained by the sodality of the Precious Blood, concluded that the Pope could not have intended, through the granted concession, to prejudice the right of precedence that had already been acquired and possessed by the sodality of Monte Morto.

[*Latin ed. p. 157*]

Regarding the matter at hand, it is first established that the confraternity of Monte Morto possesses greater antiquity and priority of establishment than the opposing confraternity of the Precious Blood, as clearly demonstrated by the respective founding documents; for the first was established by the Archbishop of Benevento, Ursini, in the year 1695, while the second was established by the Most Reverend Cardinal Archbishop of Sicily, De Rende, in the year 1883. It does not help to argue that the former was extinguished by the scourge of the plague, or that it is not the same as the one that is now involved in the dispute, especially since the one in question calls itself the confraternity of the Good Death. For, with regard to the former, the scourge of the plague ceased before its establishment, namely in the year 1656, as is more likely recorded; but even if it occurred later, it should not be said that the confraternity was legally extinguished, and therefore it could recover its ancient rights through revival, according to what the Rota states in *Adrien, concerning the precedence of rights*, before Aldovandro, on February 17, 1710: "Concerning the aforementioned revival, it was established that if 'the abandonment of the confraternity resulted from the fault of the confreres, then through the revival of the same confraternity, whether material or formal, the original rights or privileges are not revived. But if the confraternity ceased due to an involuntary cause, such as misfortune or plague, then, on the contrary, the same confraternity or college recovers all the honorary rights and privileges that it previously enjoyed, according to the teaching of Bartoli in 1. fin. D. de coli.'" On the contrary, more documents prove that this confraternity has flourished and existed from ancient times until the present day, such as, for example, the granting of royal approval in 1793, the transfers from one church to another, the payments of tithes made by it in the years 1820, 1828, and 1832 to the church of St. John the Baptist, and so on. Furthermore, it is explained that the confraternity of Monte Morto was the same as that of the Good Death, because, according to the prescriptions of the founding documents, it was incorporated into the archconfraternity of the Good Death of Rome. Therefore, it often happens that it is called by one name or another, as also demonstrated by the records of the Benevento court. Therefore, there

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is no doubt that the confraternity of Monte Morto, or the Good Death, possesses, by reason of its priority of establishment, one of the titles recognized by the Gregorian decree, for enjoying the right of precedence over another opposing confraternity of the Precious Blood, which was established more recently. But not only by reason of its older establishment does the confraternity of Monte Morto have the right of precedence, but also by reason of its continued, almost uninterrupted, possession of that right, which constitutes another title for claiming precedence, according to the Gregorian Constitution, which has been cited on several occasions. This is clearly evident from the investigative proceedings instituted by the Benevento court.

[*Latin ed. p. 158*]

158 Acta Apostolicae Sedis - Official Commentary from the delegation of the Holy Tribunal. Concerning the question posed, "Whether the confraternity of the Monte dei Morti has always and consistently held precedence in all processions and funerals," all witnesses summoned on behalf of said confraternity answered unanimously: "Affirmatively." However, of the witnesses from the confraternity of the Precious Blood, only two stated that they did not recall; the others answered either affirmatively or that the confraternities had exercised precedence in turn. Thus, for example, the witness Sordillo Archangelus testifies "that in the processions during the festivals of the various confraternities, they alternated, that is, during the festival of the confraternity of the Monte dei Morti, the confraternity of the Precious Blood had precedence, and during the festival of the confraternity of the Precious Blood, the confraternity of the Monte dei Morti had precedence." Martignetti Caietanus: "Until the conflicts began between the two confraternities, they alternated precedence in turn." Pagliuca Anthony: "I know that the confraternity of the Monte dei Morti was always given precedence in the processions of the rites and of the patron saint by the confraternity of the Precious Blood, because in turn, the confraternity of the Precious Blood received it from the confraternity of the Monte dei Morti on the occasion of their festivals." Pagliuca Francis: "The confraternity of the Monte dei Morti always and consistently had precedence over the other, until the latter was elevated to an archconfraternity; however, during the festivals that both confraternities held, and given the good understanding between them, it was customary to give precedence to the confraternity that was invited." Raphael Longo, also a member of the confraternity of the Precious Blood, corroborated this, and, answering the question posed above, stated: "Affirmatively, until the confraternity of the Precious Blood was elevated to an archconfraternity, except for one case in which the confraternity of the Precious Blood, in burying a deceased brother, having also invited the confraternity of the Monte dei Morti, refused to grant precedence to the latter." And when asked, "Was this precedence also given after the

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confraternity of the Precious Blood was believed to have been elevated to an archconfraternity?" he replied: "After obtaining the brief, during a period of calm, by agreement, precedence was alternated in the processions of the respective festivals, and also in some funerals; but after disturbances arose, this agreement was no longer maintained, and the confraternity of the Precious Blood always opposed precedence, and, not being able to achieve it, withdrew rather than intervene." In general, therefore, the witnesses summoned from both sides testified in favor of the confraternity of the Monte dei Morti, and furthermore, from their testimonies,

[*Latin ed. p. 159*]

The Roman Rota, as appears from the summary of both parties, judged in favor of the healthier part, both of the people and of the clergy, against the pretensions of the confraternity of the Most Precious Blood. Nor does the exception that the witnesses presented by the confraternity of Mount of the Dead are validly invoked, namely that they are witnesses in their own cause, because they are members of that very confraternity, and therefore have an interest in the cause; for they do not testify for their direct personal advantage, but for the advantage of the confraternity, and just as individual members of a university may be admitted to testify for the university, so individual members of a college may be admitted to testify for the college, as Reiffenstuel widely demonstrates, title 20 on testimony, in a proper cause, number 212. Compare also the Rota in Recent, paragraph XI, decree 320, number 811. Therefore, the patron of the confraternity of the Most Precious Blood unjustly accuses Paschal Polcari as a perjurer, who for many years was the prior of the confraternity of Mount of the Dead, and who testified that "The 'precedence has always been maintained by the confraternity of Mount of the Dead; only in the case of invitations for the patronal feasts have we yielded precedence out of courtesy to the congregation of the Most Precious Blood, a courtesy that we, in turn, received from the confraternity of the Most Precious Blood on the occasion of its patronal feasts'; this last part of the testimony makes the witness concordant with almost all of the recently transcribed testimonies of other witnesses, and therefore he is unjustly accused of perjury. Regarding the apostolic brief cited above, upon which the confraternity of the Most Precious Blood bases its claim to precedence, the Fathers of the Lord observed, in addition to what has already been discussed, the following. First, it was obtained without the knowledge and hearing of the confraternity of Mount of the Dead, and the petition presented to the Pope, which was detrimental to the confraternity, was based on the fact that it was older and already in possession of precedence; and in this point, the confraternity of the Most Precious Blood cannot allege good faith, because when a similar request for precedence was made by the opposing party, it vehemently opposed it, and that opposition was successful. Secondly, they noted that the letters

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of recommendation appended to the request of the confraternity of the Most Precious Blood by the Benevento general vicar for its elevation to the honorary title of archconfraternity were not sufficient. For, according to the brief of Clement VIII of the year 1604, indeed the consent of the Ordinary is required for the aggregation or erection of a confraternity, but the name of the Ordinary does not come from a capitular vicar or a general vicar, as is evident from the following declaration of the Sacred Congregation of Indulgences, reported by Father Ferreres, number 48 in the treatise on confraternities: "3) Whether a general vicar can grant valid testimonial letters and the required consent from Clement VIII for the aggregation of confraternities."

[*Latin ed. p. 160*]

160 Acta Apostolicae Sedis - Official Commentary: "To point 3) The Sacred Congregation responded: Negatively" (authentic decree, no. 420); and in another decree of August 2, 1888, of the same Sacred Congregation, it is stated that this consent can be given by a special delegation of the bishop, provided that mention of this special delegation is made in the documents, and indeed under penalty of nullity, as can be gathered from the question posed and the response, which is quoted in full from the aforementioned ecclesiastical journal, vol. 5, p. 2, no. 223. Furthermore, the irregularity of the consent given is evident from the fact that it was obtained secretly, without any trace of it being left in the court records, as the chancellor attests: "Following requests from the Reverend Canon Barone, I made inquiries in this metropolitan archdiocese, but I found no trace of any proceedings relating to the congregation of the Precious Blood of Montefalcione concerning the attainment of the honorary title of archiconfraternity." Indeed, the brief obtained secretly by the sodality of the Precious Blood was only presented after the lawsuit was initiated by the opposing sodality of Montis Mortuorum, so that the Beneventana court was forced to admit evidence through witnesses regarding the manner in which the director of the sodality of the Precious Blood had obtained it, as the Archbishop of Benevento himself reported to His Most Holy Eminence in a letter of December 15, 1911. The witnesses examined by both sodalities were largely in agreement in declaring that the aforementioned director had acted "through irregular means, to obtain the privilege in question." Thus, as some have stated, the witnesses included Father Philip Poicari, Anthony Pagliuca, the archpriest of the aforementioned town, Hercules Peppucci, Anthony Di Rienzo, and even the brother of the director, John Tito Manlio, who stated: "I know that my brother, the vicarious, went personally to Rome, and through a friend of his, obtained the aforementioned brief; I also remember that upon his return, he told me that obtaining the brief cost him a great deal of effort." Therefore, given the manner in which the sodality of the Precious Blood obtained the

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brief to the honorary title, the Reverend Fathers rightly maintained that no prejudice should be caused to the opposing sodality of Montis Mortuorum with regard to the right of precedence that pertains to it on two grounds, namely, antiquity and possession, according to the prescription of the Gregorian Constitution, and therefore the complaints and claims made by the aforementioned sodality of the Precious Blood after obtaining the brief should be rejected, as the aforementioned Constitution states in the following words: "with all reclamations, protests, appeals, and other subterfuges completely removed and ceased," which, with a given and definite rule, are contrary to the determination of precedence.

[*Latin ed. p. 161*]

161 The Roman Rota. After all matters have been diligently considered, both in law and in fact, having invoked the name of Christ, We, the undersigned Auditors, sitting for the tribunal and with God alone before our eyes, decree, declare, and definitively pronounce the following: Concerning the preceding matter pertaining to the sodality of Monte Morto, or in response to the proposed doubt: We answer affirmatively to the first part, negatively to the second part, and furthermore, We declare that the expenses are to be compensated between the parties. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session 25, concerning appeals, of the Council of Trent, employing the executive and coercive means that shall be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 4th of January, 1915. Joseph Mori, President. Frederick Cattani. Anthony Perathoner. L. " From the Chancery, February 22, 1915. Rev. T. Tani, Notary. DIARY OF THE ROMAN CURIA SECRETARY OF STATE IN THE NAME OF THE HOLY FATHER, the Holy Father has deigned to appoint: March 15, 1915. — Mons. Thomas Kennedy, titular Bishop of Adrianople and rector of the North American College in Rome, Consultor of the Sacred Congregation of Propaganda. March 21. — His Eminence Cardinal Basilio Pompilj, Protector of the Third Regular Order of Penance of Saint Francis, in France. March 27. — His Eminence Cardinal William van Rossum, Protector of the Sacred Cistercian Order of Common Observance. — His Eminence Cardinal Antonio Vico, Protector of the Institute of the Religious Sisters of the Sacred Heart of Jesus in Lima. ACTA, vol. VII, no. 6. — March 31, 1915. 12.

[*Latin ed. p. 162*]

Acts of the Apostolic See - Commentary 162. By an Apostolic Brief, the Holy Father deigned to appoint:

Assistant to the Pontifical See: March 16, 1915. — Mons. Prospero Scaccia,

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Archbishop of Siena.

Apostolic Protonotary, in the manner of those participating: March 13, 1915. — Mons. Giuseppe Francesco de Moura Guimarâes, Canon of the Metropolitan Church of Rio de Janeiro.

Domestic Prelates of His Holiness: March 11, 1915. — Mons. Michelangelo Bovieri and Mons. Domenico Jorio, Under-Secretaries of the Holy Congregation of Sacraments.

March 16. — Mons. Professor Giacomo Brumat, of the Archdiocese of Gorizia.

March 18. — Mons. Canon Dr. Cesare Bobbi, General Vicar of the Diocese of Bobbio.

March 23. — Mons. Bartolomeo Bertone, Canon of the Cathedral of Mondovì.

HONOR. By an Apostolic Brief, the Holy Father deigned to bestow the Order of Saint Gregory the Great, civil class: March 23, 1915. — Upon Mr. Cavaliere Davide Biraghi Lossetti, of the Archdiocese of Milan.

DOMESTIC APPOINTMENTS OF HIS HOLINESS. By Letters of His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: October 15, 1914. — Mons. Raimondo Hourcastagné, of the Diocese of Bayonne.

November 7. — Mons. Giuseppe Zumbo, of the Archdiocese of Reggio Calabria.

November 10. — Mons. Giuseppe Sartori, of the Diocese of Mantua.

November 18. — Mons. Silvio M. Nardi Dei, of the Diocese of Chiusi.

December 23. — Mons. Giandomenico Pini, of the Archdiocese of Milan.

— Mons. Massimino Corsi, of the Abbey of Monte Cassino.

January 19, 1915. — Mons. Giuseppe Hoeningen, of the Archdiocese of Cologne.

January 26. — Mons. Ugo Bonamartini, of Rome.

January 26. — Mons. Alessandro Jaivenois, of the Diocese of Troyes.

— Mons. Nicolò van Balen, of the Archdiocese of Utrecht.

— Mons. Guglielmo Francesco Elsen, of the same Archdiocese.

— Mons. Giovanni Andrea Jansen, of the same Archdiocese.

January 30. — Mons. Agostino Lohmeyer, of the Diocese of Osnabrück.

— Mons. Luigi Camadini, of the Diocese of Brescia.

[*Latin ed. p. 163*]

Diarium Romanae Curiae 163, January 30, 1915. — Monsignor Angelo Zammarchi, of the same diocese. — Monsignor Lorenzo Conforti, of the same diocese. — Monsignor Venceslao Merinsky, of the archdiocese of Vienne. February 8. — Monsignor Lazzaro Pepe, of the diocese of Gallipoli.

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— Monsignor Achille Consiglio, of the same diocese. February 10. — Monsignor Renato David, of the archdiocese of Paris. — Monsignor Polidoro Benedini, of the diocese of Mantua. — Monsignor Adalberto Szuchy, of the diocese of Transylvania. February 13. — Monsignor Francesco Saverio Greco, of the diocese of Lech. — Monsignor Gaudenzio Bisetti, of the diocese of Bobbio. — Monsignor Giovanni Battista Ghirardelli, of the same diocese. February 18. — Monsignor Enrico Bertmans, of the diocese of Münster. February 19. — Monsignor Stanislao Krzeszkiewicz, of the archdiocese of Gnesen and Posen. February 23. — Monsignor Roberto Sacoicki, of the diocese of Chełmno. March 8. — Monsignor Nehmatalla Auad, residing in Rome. — Monsignor Eugenio Martini, of the diocese of Mantua. — Monsignor Valentino Valentini, of the diocese of Tivoli. March 12. — Monsignor Giuseppe Liean, of the archdiocese of Gorizia. March 17. — Monsignor Isaia Isola, of the diocese of Concordia.

Honorary Chaplains in purple vestments of His Holiness: December 4, 1914. — Monsignor Luigi Danna, of the diocese of Viterbo. January 11, 1915. — Monsignor Girolamo Tamburri, of the diocese of Sutri. January 30. — Monsignor Giovanni Battista Pé, of the diocese of Brzesc. February 8. — Monsignor Giovanni Elli, of the diocese of Squillace. — Monsignor Giuseppe Merra, of the diocese of Atri. — Monsignor Gabriele Flores, of the same diocese. February 10. — Monsignor Bruno Brunone, of the diocese of Susa. — Monsignor Samuele Prokupek, of the diocese of Transylvania. — Monsignor Pietro Korody, of the same diocese. — Monsignor Andrea Balácz, of the same diocese. February 19. — Monsignor Francesco Raatz, of the archdiocese of Gnesen and Posen. March 17. — Monsignor Antonio Cardazzo, of the diocese of Concordia. — Monsignor Pietro Comisso, of the same diocese.

Secret Chaplains of Sword and Cape, honorary members of His Holiness: November 7, 1914. — The Most Noble Andrea Lezzani, of Rome. December 10. — The Noble Paolo Santucci, of Rome. January 27, 1915. — The Noble Riccio Ricci, of the diocese of Rieti. February 10. — The Commendatore Gennaro Elefante, of the archdiocese of Naples. February 18. — The Noble Paolo Folicaldi, of the same archdiocese. February 19. — The Noble Guglielmo de Droste-Padberg, of the diocese of Paderborn. — The Baron Ulderico de Ketteler-Schwarzenraben, of the same diocese.

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis - Official Commentary, February 23, 1915. — Mr. Leone Healy, of the Archdiocese of Florence. — Mr. Marquis Giuseppe Sacripanti Vitutii, of Rome. — Mr. Marquis Felice Toraldo, of the Diocese of Nicotera and Tropea. March 8. — Mr. Knight Luigi Tagliapietra, of the Patriarchate of Venice. — Mr. Count Alberto de Nisac, of the Archdiocese of Paris. March 20. — Mr. Giovanni Campbell, of the Diocese of Bayonne.

Extraordinary Knights of Honour of Sword and Cape of His Holiness:

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October 14, 1914. — Mr. Edoardo Rousselle, of the Archdiocese of Paris. February 10, 1915. — Mr. Knight Ermanno Tibertelli, of the Archdiocese of Ferrara. February 18. — Mr. Giacomo Montoto y Sedas, of the Archdiocese of Seville.

Secret Chaplains of Honour of His Holiness: January 27, 1915. — Monsignor Giuseppe Marcozzi, of the Diocese of Ascoli Piceno. — Monsignor Francesco Onori, of the same diocese. January 28. — Monsignor Giovanni Dujmusic, of the Diocese of Vrhbosna. — Monsignor Carlo Cankar, of the same diocese. February 24. — Monsignor Scipione Pensuti, of Rome. March 17. — Monsignor Giovanni Cruise, of the Archdiocese of Toronto.

Knights of Honour Extra Urbem of His Holiness: January 28, 1915. — Monsignor Francesco Malesevié, of the Diocese of Vrhbosna. February 8. — Monsignor Francesco Bohle, of the Diocese of Ancud. February 13. — Monsignor Giuseppe Campa, of the Diocese of Lech.

Chaplains of Honour Extra Urbem of His Holiness: January 30, 1915. — Monsignor Giuseppe Wagner, of the Archdiocese of Vienne. — Monsignor Luigi Palina, of the same Archdiocese. March 8. — Monsignor Giovanni Paponi, of the Diocese of Pescia. — Monsignor Dante Biagiotti, of the same diocese.

NECROLOGY: March 15, 1915. — Monsignor Giovanni Grimes, Bishop of Christchurch. March 18. — Monsignor Francesco Paolo Carrano, Archbishop of Trani. March 19. — The Most Reverend Cardinal Antonio Agliardi, Bishop of Albano, Sub-Dean of the Sacred College, Chancellor of the Holy Roman Church, etc. March 28. — Monsignor Giovanni Maria Leone Dizien, Bishop of Amiens.

[*Latin ed. p. 165*]

Annus TU - Vol. VII, April 20, 1915, No. 7. ACTA APOSTOLICAE SEDIS, COMMENTARIUM OFFICIALE. ACTA BENEDICTI PP. XV. EPISTOLA I ad R. D. UBALDUM MANNUCCI, in qua gratias agit pro duplici obsequio venerationis.

Dilecte Fili, salutem et apostolicam benedictionem.

Tuam in Nos pietatem amavimus, vixdum ad Cathedram Petri evecti, cum obtulisti Nobis Dialogum Andreae a S. Cruce, «De Ecclesiae primatu», a te primum in lucem editum; eamdem nunc novo testamento argumentorum complectimur, oblato Nobis opere «De Frauenfrage», dilecti filii sac. Augustini Rosier e Congregatione sanctissimi Redemptoris, quod tu quidem italice reddidisti. Quibus in muneribus non observantiae tantum officium pergratum habuimus, sed etiam consilium quo eiusmodi suscepisti labores. Altero enim, ut novimus, illud spectasti ut novum proderes vetustioris aetatis de pontificia infallibilitate testimonium; altero ut rerum socialium apud nos studiosis librum traderes, in quo tute, copiose, dilucide reperiant quid de sociali conditione mulieris ex catholicae religionis praescrip-

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tis sit sentiendum. Qua sane in re provide admodum te scito fecisse, cum de agitatissima hac quaestione tam multa tamque acriter fuerint in utramque partem disputata, ut maxime sit vigilandum ne pravae invalescant doctrinae quae mulierem viri aemulam potius esse, quam adiutricem volunt: id est non tam iis ornatam virtutibus, quibus intra domesticos parietes pacifice regnare videatur, sed alienis deditam studiis et in alieno campo contendentem. Est igitur cur et gratias tibi, dilecte Fili, agamus ex animo vehementerque gratule.

[*Latin ed. p. 166*]

166 Acta Apostolicae Sedis - Official Commentary. May the apostolic blessing, which We impart to you with paternal affection, make Our benevolence towards you more evident, granted through the auspicious gifts of heaven. Given in Rome, at St. Peter's, on the twenty-eighth of December, 1914, in the first year of Our Pontificate. BENEDICT XV. TO JAMES CARDINAL GIBBONS, ARCHBISHOP OF BALTIMORE; JOHN M. CARDINAL FARLEY, ARCHBISHOP OF NEW YORK; WILLIAM CARDINAL O'CONNELL, ARCHBISHOP OF BOSTON, AND TO THE OTHER ARCHBISHOPS AND BISHOPS OF THE UNITED STATES, GREETINGS AND APOTSOLIC BLESSING. We have learned that the solemnities are approaching to celebrate the completion of the twenty-fifth year since the founding of the Catholic University of Washington. It is hoped that this event will be marked by a singular and blessed joy, with your presence, and that of the laity. First of all, beloved sons and venerable brothers, it is right that you rejoice in these, the second glories of Athens, for those who know well that the beginnings and the most pleasing growth of this esteemed seat of learning are due, above all, to your foresight. But this joy of yours is not entirely your own, so that it may not be shared with Us in some way. For We love, indeed We cherish, the American spirit, its vigorous youth, and its intelligence in thought and action, and We desire that it may have an ever more open path to all advancement in humanity; therefore, We cannot but be most pleased with all those things by which it can be aided in reaching that goal. But your constant care has not been directed only to the cultivation of the intellect, but above all to that heavenly wisdom, whose light is inextinguishable, and by which all the good things destined for your flocks are foreseen. No one who is a fair judge of things will fail to commend and deem worthy all that the citizens, and especially the Catholics, and first of all the clergy, pursue in studies and favor. In this matter, We—

[*Latin ed. p. 167*]

Acta Benedicti PP. XV, 167. Our praises are lacking towards the Columbian Knights; who, as you recently announced, having obtained, through a great sum of money, that which was provided for by a provident

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design, have extended the benefits of a solid and Christian institution to the youth of the following generation. This example of commendable action, being for the good of all, we propose to all, especially those who have the ability, to imitate and emulate; and we earnestly desire that you yourselves, our beloved Sons and venerable Brothers, who serve the dignity of the Athenaeum, may also contribute, by sending students, whose superior talents and character offer greater hope. Besides the other benefits that are hoped for from this, it will also achieve this, that the clergy of the American Church will be informed by the same doctrine and discipline; and this, we speak with experience, will be of such great importance, that the clergy, whose piety is the fruit of such a union, will have a more prompt and closer agreement of wills. We constantly ask these things of God, and bestow upon you all, our beloved Sons and venerable Brothers, upon the Rector, professors, and students of the Washington Lyceum, and also upon the Columbian Knights, our apostolic blessing, as a testament to our benevolence, and in anticipation of heavenly blessings. Given in Rome, at St. Peter's, on the tenth day of March, in the year 1915, in the first year of Our Pontificate. BENEDICT XV. TO THE MOST REVEREND JOHN IRELAND, ARCHBISHOP OF ST. PAUL OF MINNESOTA, CONCERNING THE NEW CATHEDRAL TO BE DEDICATED IN PAULOPOLIS. Venerable Brother, greetings and apostolic blessing. — When you laid the foundation stone for the new cathedral, in this seat of your honor, we know that Our predecessor, the blessed Pope Pius X, in letters addressed to you on the twentieth day of April in the year 1914, bestowed praise upon you, venerable Brother, and encouraged those pious men who aided you with their resources, and urged them to carry out the project. Now, having learned that the construction has already reached its completion, and that it is, with the exception of the interior decoration, completely finished in every respect, so that the solemn dedication has been set for the eleventh day of next April; and that such a temple has been erected, so that it is magnificent in size and splendor, and elegant in form.

[*Latin ed. p. 168*]

168 The Acts of the Apostolic See seem to be a most distinguished commentary. Understanding this perfectly, We cannot refrain from praising all those who have contributed to the success of this endeavor, especially those who, out of their love for religion, have generously provided assistance. And to you, who have always demonstrated a praiseworthy zeal in every duty of your pastoral office, and who in this very instance have shown how much you love the House of God, We offer our warmest congratulations, as your efforts and concerns have borne fruit. May the venerable Brother, witness to the benevolence of Heaven and of Our paternal love, receive the apostolic blessing which We impart to you and to all those whom We have

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mentioned, and also to the rest of your clergy and your beloved people. Given in Rome, at St. Peter's, on the fourteenth day of the month of March, in the year 1915, in the first year of Our pontificate. BENEDICT XV. TO THE MOST REVEREND JAMES CARDINAL GIBBONS, ARCHBISHOP OF BALTIMORE, WE COMMEND THE OUTSTANDING CHARITY OF THE CATHOLIC FEDERATED STATES OF AMERICA TOWARDS THE POOR INHABITANTS OF MEXICO, WHO ARE TORMENTED BY CIVIL DISTURBANCES. Beloved Son, greetings and the apostolic blessing. — We are increasingly informed of the efforts made by Catholics, especially in the Federated States of America, following the lead of your venerable episcopate, to alleviate the suffering and damage that has already afflicted so many brothers in the Mexican nation due to the civil disturbances plaguing that Catholic region. We know in particular that this fraternal charity has been active and abundant, through the provision of daily necessities, supplies, subscriptions, collections, and every kind of charitable undertaking; and that those who, whether because of the observed civil situation, or because of their wealth, or especially because of the nobility of their spirit and the excellence of their character, were able to provide assistance to this important cause, have been inspired by it. As a result, deserving pastors of souls, priests, and religious of both sexes, exiled from their homeland, have been able to receive safe lodging and human care, and (which has given Us great pleasure) in seminaries.

[*Latin ed. p. 169*]

Acta Benedicti PP. XV, 169. Poor young men from Mexico were gathered, with the hope of educating them for the priesthood. And thus, it began to be manifest to all in these regions, that love, and that care and protection for the exiles, which will be kindled throughout the United States, amidst the splendors of both Christian and civil affairs. Among many who have labored for this pious work, it is fitting to mention, besides you, our beloved Son, two Cardinals who, like you, deserve great praise, the venerable Archbishops of Chicago and Novae-Aureliae, together with the Bishops of Campifontis, Matanzensi, Toletano, S. Christophori de Habana, and S. Antonii, already praised by Us; and also our beloved Sons, the Reverend Franciscus C. Kelley, president of the Catholic Church Extension Society, and the devout man Recaredus Tierney S. L., director of the newspaper *The America Press*. To all these and others, as we add our testimony of praise and encouragement, We hope that they, and all who are faithful to Christ among Us, will diligently pursue and foster this salutary work, until (which We confidently expect will soon occur) civil order and Christian liberty are established in the beloved Mexican republic. In the meantime, as a pledge of heavenly blessings and of Our benevolence, We impart to you, our beloved Son, and to your entire archdiocese, Our paternal Apostolic blessing in the Lord. Given at Rome, at St. Peter's, on the sev-

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enteenth day of March, in the year 1915, in the first year of Our pontificate. BENEDICTUS PP. XV. TO R. D. CAROLUM GRANNAN, IN COMMEMORATIONEM MERITORUM EORUM QUI BONIS IN INSTITUTO PIO LATINO-AMERICANO CONTRIBUERUNT. Beloved Son, greetings and Apostolic blessing. Charity prompts Us to write these words to you; and We, our beloved Son, not only heartily congratulate you on your dedication to the Pious Latin-American Institute, but also urge you to pursue the work begun with even greater zeal, a work which both fraternal love and the care and solicitude of Our late predecessor, Pope Pius X, have gently inspired. Although your efforts in this matter have already yielded pleasing results, the difficulties within the same Institute are not yet such that...

[*Latin ed. p. 170*]

170 Acta Apostolicae Sedis - The official record shows that the increasing harvest in the dioceses of Latin America is being aided by a sufficient supply of sacred ministers. Indeed, we know that the bishops are diligently working; however, it has been determined that, for the benefit of individual dioceses, and for the good of the universal Church, there must be priests in each diocese whom Rome, the mother and teacher of all churches, has more thoroughly and safely instructed in the Catholic doctrine and discipline. Therefore, Urban, continue to promote the work of this College, so that those brothers from Latin America may feel that they are receiving a considerable benefit from your piety and the generosity of good people from the United States. May the blessing of divine grace and the witness of Our apostolic benevolence be upon you, beloved son, and upon all those whom you have found to be helpers in your council and in the fulfillment of your purpose, imparted earnestly in the Lord. Given in Rome, at St. Peter's, on the seventeenth day of March, in the year 1915, in the first year of Our pontificate. BENEDICT XV. To the Most Reverend Father Francis Naval, priest of the Missionaries of the Immaculate Heart of Mary, who has presented two books written by himself, we offer our commendations. Beloved son, greetings and our apostolic blessing. — We gratefully accept the two books that you, in order to demonstrate your piety, have taken care to bring to Us, especially that one entitled "Sermonario." For we know that, through its doctrine, goodness, and abundance, arranged in clear sections, it is highly commendable; and we ourselves have found it very useful for those who must speak of divine matters quickly or in times of difficulty. For many times, both before and during Our time as Archbishop of Bologna, when we were engaged in the ministry of the word, and especially during Our time as Archbishop, when we properly visited the dioceses, this book was of great benefit to Us. Therefore, we rejoice that, with new care, you are making it more widely available. The other book, which is on Ascetic and Mystical Theology, we are seeing for the first time; but, given your

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keen insight, we believe that it too is likely to be commendable and fruitful. Therefore, we congratulate you, beloved son, and we invoke the blessings of heaven, which we desire for you.

[*Latin ed. p. 171*]

The Acts of Pope Benedict XV, number 171, bear witness to Our works and benevolence; We impart, with the greatest affection, the apostolic blessing. Given in Rome, at St. Peter's, on the twenty-first day of March, 1915, in the first year of Our Pontificate. BENEDICT XV.

TO THE REVEREND JOSEPH BELLINO, FOR THE EXEMPLARY WORK "JESUS CHRIST IN THE HOLY SCRIPTURES AND IN THE HOLY FATHERS AND DOCTORS," GRATITUDE IS EXPRESSED.

Beloved Son, greetings and the apostolic blessing.

We have been deeply moved by the gift of the work which you have presented, entitled "Jesus Christ in the Holy Scriptures and in the Holy Fathers and Doctors," and We gladly accept not only the demonstrations of piety which it contains towards Us, but We also praise the considerable fruits of your long labor. For, with wise judgment, We have found in it the most important principles of Catholic doctrine, and We are greatly pleased that the work has proven itself in such a way that you appear to have fully achieved what you set out to do. Indeed, anyone who becomes accustomed to reading it will find that the individual accounts, actions, and events of the Divine Savior's life, so aptly illustrated by the teachings of the Fathers and Doctors of the Church, will shine forth with such clarity that they will feel themselves drawn and almost compelled to recognize Christ as the power and wisdom of God.

Furthermore, the work adds to its value the utility that those who are destined to preach in sacred matters will derive from it; and it is evident that it offers a most abundant store of material on the greatest and most important subject of all. And once anyone has thoroughly nourished their mind by reading and devoutly commenting on it, they will easily attain what is supremely desirable, namely, to judge, as the Apostle does, that they know nothing else; that they can preach nothing more for the greater benefit of souls than Jesus, and this Jesus crucified.

Therefore, beloved Son, we are sincerely pleased with you, and in response to the testimony of your benevolence, we impart to you, with the greatest affection, the apostolic blessing, and the hope of heavenly gifts.

Given in Rome, at St. Peter's, on the twenty-second day of March, 1915, in the first year of Our Pontificate.

BENEDICT XV.

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[*Latin ed. p. 172*]

Acts of the Apostolic See - Commentary 172. Official Document. SACRED CONGREGATION CONSISTORY. DECREE CONCERNING THE PROHIBITION OF NOBLE FAMILIAL TITLES AND EMBLEMS IN THE INSCRIPTIONS AND ARMS OF BISHOPS. By Apostolic Constitution, whose beginning was given on December 19, 1644, to the Militant Church, the Supreme Pontiff Innocent X ordered that "all Cardinals of the Holy Roman Church, in order to establish unity and equality within the order, should remove from their own seals and emblems, commonly called 'arms,' all crowns, emblems, and all secular marks, except those which they use within the shield of their arms as pertaining to the essence and integrity of said arms, and that they abstain from using them in the future." For the same reason, in this matter, it seemed opportune to His Holiness, Pope Benedict XV, to extend the aforementioned law also to Bishops. Therefore, His Holiness ordered that this consistorial decree be issued, by which Patriarchs, Archbishops, and Bishops, both residential and titular, are henceforth absolutely prohibited from adding to their seals and emblems, or arms, as well as to the inscriptions of edicts, noble titles, crowns, emblems, and other secular marks which indicate the nobility of their own family or lineage, unless some secular dignity is attached to the episcopal or archiepiscopal see itself; or unless it concerns the Order of Knights of St. John of Jerusalem or of the Holy Sepulchre. Contrary provisions notwithstanding. Given at Rome, from the Secretariat of the Sacred Congregation Consistory, on January 15, 1915.

£8 C. CARD. DE LAI, Bishop of Sabina, Secretary.

Fr. Thomas Boggiani, Assistant.

[*Latin ed. p. 173*]

6'. 173 The Second Consistorial Congregation, concerning the administration of parishes, assigns to the Old Abbey of St. Benedict the responsibility for the spiritual well-being and benefit of the three parishes that formerly belonged to the Old Abbey of St. Benedict, in the Diocese of Gubbio. For a more suitable arrangement concerning the spiritual good and benefit of the three parishes that formerly belonged to the Old Abbey of St. Benedict, the Most Holy Pope Pius X, at the urging of the eminent Prince Alfonso Doria Pamphilj, and with the approval of the Most Reverend Cardinal Mariano Rampolla del Tindaro, protector, by a Consistorial decree of May 27, 1910, united these three aforementioned parishes with the church of St. Agnes in the City, and placed them under the Diocese of Gubbio, with the exception that they remained under the immediate dependence and subjection of the Holy See, and with the same parishes retaining their rights and privileges. Furthermore, by a subsequent Consistorial decree of April 6, 1911, the same Holiness deigned to honor the Bishop of Gubbio

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at that time, as the Delegate of the Apostolic See, and also bestowed upon him the title of Abbot of the Old Abbey of St. Benedict.

GUBBIO: Concerning the Administration. May 24, 1913. The present matter concerns a certain asserted privilege, by virtue of which the Chapter of the Cathedral of Gubbio denies any subjection to the Bishop concerning the administration of goods, and refuses to show the book of chapter deliberations, even during a canonical visitation, alleging that in most chapter meetings, the administration of goods is discussed. To understand the state of this controversy, it is best to first state that in the cathedral church of Gubbio, there formerly existed regular canons, living according to the rule of St. Augustine. However, Pope Leo X, through a bull dated May 7, 1514, at the request of the Apostolic Administrator,

[*Latin ed. p. 174*]

174 Acta Apostolicae Sedis - The official commentary of the diocese of Eugubina converts the regular chapter into a secular one, preserving the rights, privileges, number of regular canons, and transferring all power and jurisdiction to the Prefect, who shall hold the place of the regular Prior: and the Prefect - these are the words of the aforementioned bull - shall "entirely retain, exercise, and hold the customs and faculties which he has, exercises, and holds as 'modern prior'." Then, at the request of the Bishop of Eugubina, "so that the church itself and its personnel, according to the provisions of common law, and of other secular cathedral churches, may be governed and administered," Pope Julius III, by the bull Cunctis orbis ecclesiis of September 4, 1551, "attributed the jurisdiction, power, and superiority, which existed in the chapter and with the canons then existing, to the Bishop," but nevertheless stipulated that "the administration of the affairs and goods of said church and of its chapter house, should pertain and apply not only to the Prefect then existing, but also 'to the aforementioned chapter, and should be exercised only through them...'" adding further: "that both concerning the aforementioned jurisdiction, power, and superiority, as well as concerning the correction of the aforementioned chapter and canons, and anything else whatsoever that concerns them in any way, the provisions of common law must be entirely observed." Synopsis of the discussion. - Firstly, beyond all controversy, even in this case, attending to common law, the chapter has the right to administer the temporal goods, which are the proper goods of the chapter itself, as a college; and the Bishop cannot abolish or injure such a right, but, properly speaking - considering common law - he can and must oversee the presentation of accounts of the administration, and he can point out what he finds contrary to the sanctions of the canons or the synodal decrees, etc. For the Bishop, in pastoral visitation, exercises this power, especially in colleges not exempt from his jurisdiction, by ordinary authority, and in other colleges, by delegated authority from the Holy See. All of this is contained in the explicit law of

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the Holy Council of Trent (session VI, canon 4; session VII, canon 8; session XXI, canon 8; session XXIV, canons 3, 9, 16, ref.) and has been confirmed by almost countless decisions of the Holy Council and the Sacred Roman Rota. Moreover, in the case of Guardien, November 14, 1733, the Holy Council held that "the Bishop can also, by delegated right, examine the books of administration of the goods of collegiate churches entrusted [i.e., those which have been entrusted to Cardinals in commendam]" and demand an accounting of the administration. Furthermore, if "recent law generally requires that constitutions of this kind [which the chapter itself can indeed establish] be confirmed by the Bishop," as Wernz states, Ius decret. II, 790, and...

[*Latin ed. p. 175*]

The Holy Congregation of Councils certainly does not lack norms pertaining to the proper administration of goods in its constitutions; therefore, the use and application of these norms must be subject to the approval of the bishop, and indeed, to the jurisdiction of vigilance and visitation. This is equivalent to saying that it belongs to the bishop, with regard to common law, to demand from the chapter an accounting concerning the administration of goods. As we have said, this common law is admitted and willingly granted by the Eugubine chapter itself; therefore, it merely contends that it has been exempted from this common law by a certain special privilege. And it strives to assert this by:

1. Referring to the foundation of the aforementioned bull of Pope Julius III, dated September 4, 1551, in which it is written, as we have seen: "The administration of the affairs and goods of said church and of its chapter-house does not pertain solely to the then-present administrator, but to the aforementioned chapter, and through them alone must be exercised..." For it is said: "through them alone," that is, through the administrator and the chapter, excluding all others; moreover, he who said "all others" did not exclude anyone, and therefore not even the bishop.

2. From the letters, which, on July 12, 1577, were sent to the Bishop of Eugubine by Cardinal Saul, at the order of the Supreme Pontiff, because he was attempting to introduce certain innovations into the chapter's administration; the tenor of the letters is as follows: "To Our Lord, after having learned from the Congregation of Bishops what Your Lordship has responded to the questions posed by your chapter, and what the ambassadors of that city have now presented anew against you, I have been ordered to write to Your Lordship that, notwithstanding what you have written in your defense, you must no longer interfere under any pretext in the administration of the chapter's goods, but must leave the care of them freely to the canons themselves, revoking the edicts and penalties contained therein." These letters had such an effect that the bishop, on July 17, 1577, completely revoked his decrees concerning the

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administration of goods.

3. From the records of the Sacred Visitation of the year 1726, it is clear that the bishop of that time, Joseph Cavalli, demanded answers from the chapter concerning certain important matters pertaining to the administration of goods, according to this formula: "1) What revenues does the chapter have in its possession, with a detailed description of the properties, fruits, and associated burdens. 2) What revenues does each canon and dignity, the theologian, the penitentiary, the mansionaries, the chaplains, the singers, the musicians, the choir clerks, and the sacred ministers have. 3) A detailed description of all of this must be made and produced."

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis - The official commentary also refused to answer, citing the aforementioned letters of Cardinal Sauli; upon examination of these letters, the bishop fully agreed.

4. Since custom is considered the best interpreter of the law, it can be legally invoked to demonstrate a claimed privilege. In the diocese of Eugubina, a custom has been in force since time immemorial, that is, for at least four centuries; during this vast period of time, no one has contradicted the fact that the bishops have never claimed a share in the administration of the chapter's assets, nor have they obtained access to the books pertaining to them. In response to these claims by the chapter, the bishop of Eugubina makes several points. Firstly, he recalls what is generally noted in the doctrine concerning privileges: namely, that in asserting them, it is necessary to demonstrate not only their existence, but also the reason for them; and this is especially true if, as in this case, we are dealing with a completely unique privilege, which is usually granted only for a very serious, manifest, and memorable reason, which is therefore not presumed to have been forgotten by human memory. However, in this case, the chapter does not offer any historical reason for the asserted privilege, which it attempts to interpret based on the wording of certain documents. Nevertheless, what is essential is that the documents cited are far from unambiguous, but are entirely open to interpretation, and therefore, only a certain exemption can be inferred from them. But it is established in law that in cases of doubt regarding an exemption, the jurisdiction of the bishop must prevail. And indeed:

1) Regarding the *bulla*, namely that of Julius III, it can be clearly deduced from the purpose and wording of the *bulla* itself that the right commonly belonging to the bishop was not excluded by it, but rather that it was intended to introduce this commonly valid right into the chapter itself, removing the restrictive power of the prelate with regard to the administration of assets. In other words: a) the *bulla*, which admitted others besides the prelate to the management of assets, did not, by this very fact, exclude a third party, namely the bishop, from supervising the same management; b)

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the *bulla*, which stipulated that "the church and its personnel should be governed and administered according to the provisions of common law, and according to the secular custom of other cathedral churches," must certainly have abolished what was contrary to this common law, namely the restrictive power of the prelate over the chapter's jurisdiction, but not what was valid by common law itself, among which, without contradiction, is the right of the bishop to supervise the administration of the chapter; c) the *bulla*, which was granted at the request of the Ordinary himself, to whom the power was granted to approve the chapter's statutes, provided that they were "not contrary to canon law," cannot be presumed to have established such a unique exemption, and to have deprived him of the right within his diocese.

[*Latin ed. p. 177*]

The Holy Congregation of Councils, in canon 177, states that: d) Finally, it must be noted that such a *bulla* can only provide a purely negative argument, since it states that the administration must be carried out "only by them" (the prelate and the chapter). However, a negative argument in a matter of strict interpretation, such as the restriction of the ordinary jurisdiction of the bishop, is of little or no value, unless it is supported by positive indications. The indication that appears most significant at first glance is that which is derived from the *letterae* from Cardinal Saul to Bishop Eugubinus, dated July 12, 1577. But all of its force vanishes if the specific circumstances in which these *letterae* were issued are considered, that is, if we examine what specific claims of the bishop those *letterae* intended to exclude. Indeed, the episcopal decrees against which, not only the chapter, but also the representatives of Eugubinus appealed to the Holy See, contained, among other things, the following: "Wishing to give order to a 'good administration for our cathedral chapter, we command that, until the order is established by us during our visitation, 'no one of them should take, or distribute, or give to anyone, for 'any reason, any of the revenues of said chapter, whether those that 'are currently in existence, or those that will come in, 'without our express permission, under pain of excommunication 'and one hundred scudi (November 23, 1568)." In the decree, or "regulation of revenues," promulgated in December of the same year, the bishop established certain rules for the chapter's procurator (the factor), granting him "freedom in the management of all revenues and expenses, and that no canon or other person should interfere or meddle in this," and he ordered "that the names of the canons be inscribed, and that one or more of them, as it shall seem best to us, be drawn by lot to serve as auditors of the chapter's assets, and at the time that we shall judge most expedient, these auditors shall have only the duty of reviewing and reporting to us, and in our absence to our vicargeneral, any irregularities, etc. - That 'every three months the factor shall render an account to us, and

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in our absence to our vicargeneral." In a decree of November 2, 1576, the following was found: "Since it does not befit the dignity that you hold to attend to matters that are not seemly, we command that none of you should interfere with the care of 'taking bills, registering them, taking money from the chapter's administration, paying, keeping accounts of the revenues and expenses, both of 'money, as well as grain, wine, etc., and similar items pertaining to the 'said administration, of keeping them, or of rendering an account 'of them when necessary, negotiating, etc."

[*Latin ed. p. 178*]

178. Acts of the Apostolic See - Official Commentary. Furthermore, no one can fail to see that these decrees restrict, indeed almost abolish or certainly suspend, the chapter's rightful power to administer its own goods. But the right of oversight pertaining to the bishop should not harm, but rather benefit, the chapter's power to administer; nor is it permissible for the bishop to diminish the chapter's just freedom or to impose undue burdens. Therefore, the aforementioned letters of Cardinal Saul, and the edicts of the bishop with attached penalties – although, indeed, issued for a just purpose – should be revoked; but they do not diminish the very power that is granted by law, neither by the bishop to whom they were given, nor, much less, by his successors. At least, it is clear in this argument that there is a lack of an explicit, nominative, and decretory expression of the power in question within the meaning of the will contained in these letters; and this would be sufficient to obtain the bishop's intention, for what is acquired by clear law is lost by clear law (Reg. G. iuris civ.). After these things, it also appears that the third argument, which is opposed to the validity of the document, is flawed: if, in the year 1726, the Bishop Cavalli, after seeing these letters of Cardinal Saul presented by the chapter, yielded to the chapter's intention, and did not consider it necessary to press his request to know the state of affairs of the chapter's family during the sacred visitation, then this course of action, if not for a prudential reason, must be said to have been the result of an erroneous interpretation, to which his successors are certainly not bound, and which, moreover, seems insufficient to establish a privilege of exemption that did not previously exist. The canons do not offer a better omen, or rather, they do not present the custom, or rather, the practice of the power of visitation, on the part of the bishops, from the four preceding centuries. This argument, again entirely negative, has already been refuted in the case of Bergomen, on February 29, 1908 (cf. Thesaurus, vol. CLXVII, p. 156). "No positive law compels the bishop to periodically 'as I might say, review the administrations'; but, as is clearly stated in the Tridentine law (Session VI, cap. 4, de Ref.), as often as it is necessary... that is, as often as 'in the Lord he judges it necessary, he can do the same. The bishop can therefore use his right when he wants and how he wants; and, if suspicion arises of the incompetence or infidelity of the administrators, he

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will be bound by the law of conscience to do so; but no strict provision of the law compels him." Therefore, since no bishop "has ever asked the chapter even just for the annual accounts," it logically follows that the chapter's administrators have always managed the economic affairs well, so that it has never been necessary for the bishops, over such a period of time, to compel them to give an account; but it would be a logical fallacy to argue that the bishop has no right of review. For the non-use of a faculty does not...

[*Latin ed. p. 179*]

The Holy Congregation of the Council states "it pertains to the rights" (Glossa in 1. 5 de Comm. divid.; 1. 6 de ann. praeser.; De Luca, disputatio XVII, n. 13, etc.). All these things, derived from here and there, were presented to the Most Reverend Fathers of the Holy Congregation. Who, after a prior and mature examination, in a plenary session on May 24, 1913, to the proposed question "Does it pertain to the privilege of exemption from the power of the bishop concerning the administration of goods for the cathedral chapter in the case of...?" responded: "No." O. GIORGI, Secretary.

APPOINTMENTS:

By Apostolic Briefs, the following were appointed:

March 9, 1915. — The Ordinary of the cathedral church of Tine and Micon, Reverend Father Matthaeus Vido, the vicarius capitularis of the same.

March 13. — The titular Bishop of Curiensis and coadjutor with right of succession to the Bishop of Allahabad in the Orient, Reverend Father Angelus a Casóla Valsenio (in the world, Joseph Poli), of the Order of the Friars Minor Capuchin.

By Decrees of the Holy Congregation for the Propagation of the Faith, the following were appointed:

April 12, 1915. — The Apostolic Administrator of the Apostolic Vicariate of Arabia, Reverend Father Paulus de Lucignano, of the Order of the Friars Minor Capuchin.

April 13. — The Apostolic Prefect of the new Apostolic Prefecture of Sapporo in Japan, Reverend Father Wenceslaus Kinold, of the Order of the Friars Minor.

[*Latin ed. p. 180*]

180 Acts of the Apostolic See - Official Commentary. S. CONGREGATION FOR THE INDEX. DECREE. Tuesday, April 12, 1915. The Holy Congregation of the most eminent and most reverend Cardinals of the Holy Roman Church, by the most holy Pope Benedict XV, and the Holy Apostolic See, having been appointed to judge books of false doctrine, and to condemn, prohibit, or permit them throughout the Christian republic, and

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having met in the Apostolic Palace at Vatican on April 12, 1915, condemned and condemns, prohibits and forbids, and orders that the following works be placed on the Index of Prohibited Books:

C. TRILLOS MACAIRE, *La Constitution divine de l'Eglise*. Geneva, 1913.

PHILIPP FUNK, *Von der Kirche des Geistes. Religiöse Essays in Sinne eines modernen Katholizismus*. Munich, 1913.

ALPHONSE SALTZMANN, *Les remèdes divins pour l'âme et le corps*. Paris-Brussels, 1912.

PIERRE DE COULEVAIN, *Le roman merveilleux*. Paris, no date.

Therefore, no one, of whatever rank or condition, shall dare, in any place and in any language, to publish, or to read or retain, the aforementioned works that have been condemned and prohibited, under the penalties indicated in the Index of Prohibited Books. These matters having been reported to His Holiness Pope Benedict XV by me, the undersigned Secretary, His Holiness approved the decree and ordered it to be promulgated. As a witness thereof, etc. Given at Rome, April 14, 1915.

FR. CARD. DELLA VOLPE, Prefect.

L. ffi S. Thomas Esser, O. P., Secretary.

II. Damianus Avancini and Theodorus Wacker submitted themselves to the decree of this Holy Congregation, by which certain of their books were prohibited. As a witness thereof, etc.

Thomas Esser, O. P., Secretary.

[*Latin ed. p. 181*]

181 The Sacred Roman Rota, under the blessed reign of Pope Pius X, in the twelfth year of his pontificate, on the 27th of July, 1914, the Most Reverend and Learned Fathers, Frederick Cattani, presiding, Anthony Perathoner, and Joseph Alberti, Auditors, in the cause concerning the rights of the Nucerine Pagans, between the Reverend Dominic Petti, parish priest of Saint Michael the Archangel in the town commonly called Malloni, the plaintiff, represented by his lawful procurator, Advocate Aloysius Lavitrano, ex officio, and the Confraternity of Saint Lucy, represented by its lawful procurator, Advocate Vincent Sacconi, with the intervention and dissent of the Promoter of Justice, rendered the following definitive judgment. In the town, which is called Croce Malloni, in the diocese of Nocera Paganorum, there exists, for many centuries, a confraternity called Saint Lucy, which formerly had its seat in the church of Saint Onuphrius, from which, about the year 1374, having abandoned that place, it constructed, with its own funds, a chapel dedicated to Saint Lucy, adjacent to the parochial chapel of Saint Michael the Archangel, and transferred itself there. In the year 1407, a plan was conceived to enlarge the chapel of Saint Michael, and at that time, a part of the chapel of Saint

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Lucy was added to it, so that a presbytery might be constructed there. Thus it happened that the tomb of the members of the confraternity, which was located in that part of the chapel of Saint Lucy, remained enclosed within the church of Saint Michael. The chapel of Saint Lucy remains joined to the presbytery of the church of Saint Michael, and is separated only by screens. In this church, in the year 1694, the seat of the parish was transferred from the church of Saint Fortunatus, and therefore it was afterwards called Saint Michael the Archangel. These things are recounted by Bishop Ammirante, in the book entitled "History of the City and Diocese of Nocera": "When the confraternity of 'Saint Lucy' moved from the church of Saint Onuphrius to the place where it is currently located, we do not know. However, we find written in the aforementioned book that, in the year 1374, the new chapel of the confraternity was constructed adjacent to the parochial chapel of Saint Michael the Archangel. But it should be noted that, at the time indicated, the 'church or chapel of Saint Michael was not yet a parish,' as stated in the Acts, volume VII, number 7, dated April 20, 1915.

[*Latin ed. p. 182*]

182 Acta Apostolicae Sedis - Official Commentary "This occurred after almost three centuries, and it is so even now; and therefore, the chronicler could regard the church of St. Michael not as it was then, that is, a "simple chapel," but as it was in the times in which he lived, a true parish. In the year 1407, when it was desired to enlarge this chapel of St. Michael, certain innovations were made in the chapel of St. Lucy, which consisted in the fact that the lower part of that chapel was removed, and the sanctuary of the new chapel was built there, so that of the two burial places that the confraternity had, one, that is, the one intended for men, was enclosed within the confines of the sanctuary of said new chapel, and the other, that for women, remained within the limits, as before, of the chapel of the confraternity... While the confreres were pleased with the enlargement of the parish, they rightly wanted that a memory of the act generously performed by them be preserved, and therefore they thought of having the organ placed in the place where it currently is, which is at the entrance door that leads from the inside of the parish to the chapel of St. Lucy, thereby at the same time allowing the parish to use it for its functions, as it had used it before."

"The Sodalitas of St. Lucy had, from ancient times, been accustomed to perform certain sacred functions, through its spiritual director, in the parish church. Namely, on the feast of the Blessed Virgin Mary, Mother of Sorrows, and in the preceding week, and on the feast of St. Lucy and in the preceding novena, to preach the word of God and to celebrate the sacred rites at the main altar, and there, on the feast of Easter, to administer the sacred Synaxis to the members. This, however, was not without

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complaints from the parish priests, who lamented that the confraternity was thus usurping a right proper to them, which has especially occurred recently. Indeed, the current parish priest, the Reverend Mr. Petti, began to object to this practice, considering it a violation of his parochial rights. The controversy was brought before the episcopal court, which, having heard both parties, fully reconciled them. In fact, for the first time, that is, on October 13, 1906, before the vicar general of the diocese, the Reverend Parish Priest of St. Michael and the moderator of the Sodalitas of St. Lucy signed the following agreement: "... after reciprocal declarations of full freedom of speech by the lawyers of both parties, it was agreed to eliminate entirely the question of right, recognizing from both parties the ancient local custom, and as to the number of functions, and as to the manner of performing them, supplementing, with the approval of the court, what is necessary to avoid disturbances of the common ecclesiastical law. And since the formulas of the agreement require serious and mature consideration, an appointment was made for the parties and their respective representatives, for November 15th, and..."

[*Latin ed. p. 183*]

The Roman Rota, number 183: "Should no legitimate impediments arise, they shall reappear before this court, so that the curial act may be legally established, and they shall affix their signatures. Of which, I, the undersigned episcopal chancellor, have drawn up this record, accompanied by the signatures of the aforementioned parties and of myself, the chancellor."

On the 24th of November of the same year, the contending parties again convened before the episcopal court, and before the same vicar general, they declared that "the purpose of this meeting was to bring to a conclusion the disagreement that had arisen due to misunderstandings between the parish entity and the congregational entity, as was stated in the first record of October 13th of the current year."

Then, among other things, they decided and signed the following:

"1) The matter of preaching was discussed, and the congregation asserted that it is their custom to have the spiritual father preach, both during the novena of the Sorrowful Mother, on the feast of Saint Lucy, and during the Paschal triduum, adding that this should be understood specifically of the person of the spiritual father, and that this is the custom they do not intend to alter. The parish priest replied that he would never encounter any difficulty regarding the person of the spiritual father...

2) The sacred functions necessary for the aforementioned feasts of the congregation, namely, sung Masses and solemn Vespers, were discussed; the congregation reserves the right that these be performed by the spiritual father personally. However, it declares that, in the absence of the aforementioned, it will prefer the person of the parish priest, and should the latter refuse to personally perform the function, the congregation remains within

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its right to determine the person who must perform it...

3) I, the undersigned, vice-episcopal chancellor, clearly and intelligibly read aloud each of the individual articles, and both the contending parties and their respective representatives declared that the present document is perfectly in conformity with their intentions, and that they find no difficulty whatsoever in signing it. After this, the Reverend Monsignor Vicar and the fiscal expressed the desire that this agreement also be brought to the attention of His Excellency, the Most Reverend Bishop, who declared that he was very pleased with it, and imparted his blessing to all, with wishes that they may always remain in peace. After this, the parties affixed their signatures, together with their representatives."

Although these things were agreed upon harmoniously between the parties, shortly thereafter, the parish priest of Le Conquet, raised an objection to the agreement, claiming that he had not signed it freely, but under a reverential fear; and he petitioned the Bishop that the agreement be considered invalid and of no effect, because it was detrimental to the rights of the parish priest, who has a well-founded intention based on the law, and because a false, ancient, continuous, and peaceful custom was falsely alleged in it, as he himself...

[*Latin ed. p. 184*]

184 Acta Apostolicae Sedis – An official commentary would be available to demonstrate in the judgment; indeed, she stated that, rather than out of a desire for peace, she would prefer to have her rights recognized, rather than be subject to an agreement. The episcopal curia, which itself was unwilling to resolve the matter, referred it to the Sacred Congregation of Councils, which, however, since the matter involved a judicial issue to be examined according to proper procedure, referred it to the Most Holy Tribunal by order of the Pope. Therefore, today we have the question to be resolved, under the formula of doubt agreed upon by the parties: Whether, with regard to the procession of the convention of November 24, 1906, it is legally established that the confraternity, through its director, has the right to preach the Word of God in the parish church, and to perform sacred rites at the main altar, both on the feast of the Blessed Virgin Mary of Sorrows and the preceding novena, both on the feast of Saint Lucy and the preceding novena, and finally, to administer the Sacred Synaxis to the members on Easter Day, in that case. Which is the fact. Since common law certainly favors the parish priest, the confraternity, in order to fulfill its mission, must demonstrate that it has a custom in its favor, which can establish a prescription, namely a centennial one, continuous, and peaceful; otherwise, the agreement reached with the parish priest will prevail. Regarding the first point, namely, whether the confraternity has a centennial, continuous, and peaceful custom in its favor, the confraternity fully proves this through witnesses. In order for the aforementioned witnesses to be able to prove

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the aforementioned custom, three conditions are required by law, which Cardinal De Luca (as one among six hundred authors) explains as follows: "The requirements (for a custom to be considered 'immemorial') are: first, that the witnesses, being of age, declare 'for forty years, peacefully, before the lawsuit, that they have witnessed it.' And consequently, 'in them, the age of fifty-four years completed is precisely necessary, before the hour of the lawsuit or annoyance or interruption, so that, after deducting the time of minority and that of the lawsuit, the forty years can remain valid...' The second requirement is that the witnesses be adults... The third requirement is that the witnesses declare that they have never seen or heard anything to the contrary, nor is there any record of any contrary action (Lib. XV, part I, de lud., XXII, par. 59, 60, 61)." These conditions, as required above, are fully found in many of the testimonies presented by the confraternity. We gather the following from the summary: Michael Pannullo, a farmer, who was 64 years old, when asked whether the custom asserted by the confraternity had truly been continuous and peaceful, replied: "I know that the spiritual director has always performed the functions in the parish church. I do not remember that, because of the functions, there have been any disputes between the parish priest and the confraternity. I also know that the spiritual director of the confraternity has performed the functions; I only remember that once, two years ago, a different person performed the..."

[*Latin ed. p. 185*]

The Roman Rota, number 185: "The parish priest, concerning the matter now under discussion. I know that for over fifty years, the custom has been in force that the spiritual father officiates in the parish church on the occasion of the three aforementioned feasts. My father and other older people have always told me the same."

The witness, Januarius Bergamo, aged 74, a priest and apostolic protonotary, responded to the same questioning as follows: "For over sixty years, I have been able to attest, and through my own experience and what I have heard from others, that the custom has always been in force that the spiritual father officiates in the parish church during the three feasts, and I have never heard of any disputes between the parish priest and the confraternity. Indeed, I know that twice, the parish priest Vignola went to celebrate with the confreres who had fulfilled their holy duty through the spiritual father. Furthermore, I have it on reliable authority from Sammartino Alfonso, son of the prior of the confraternity (and this occurred over sixty years ago), that the spiritual father always officiated in the parish church."

Individually, these same things are declared by Matthaeus Libroia, canon theologian of the cathedral church of Nuceria, and also an apostolic protonotary, aged 62: "I cannot and do not know for how long this custom (namely, the custom of which the question concerns) was introduced; but

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I simply say that the news reached me around the years 1871, 1872, and 1873. I was ordained a subdeacon at the end of 1871, and I received an assignment from Monsignor Ammirante to be the prefect of the moral cases, which were held in the confraternity of St. Lucy in Nocera Superiore, every week. Those priests, of whom I remember one named Pecoraro and another Angrisani, or for ceremonial reasons or otherwise, seemed intent on having me preach in the church of St. Michael for the feasts of St. Lucy and of the Sorrowful Mother; but they told me that it depended on the prior, who at that time was a certain Alfonso Calenda, and for that reason, I said that they should do without me, not wanting to thank a commoner..."

Then follows: "When I was called to the office of fiscal of the curia, due to disagreements between the parish priest Petti and the prior, I sought to investigate the state of the matter, and I came to the following conclusions: 1) That it was better not to oppose it, precisely because it was a right, since it was a practice that had always been followed, and whose origin could not be known; moreover, it was clearly shown to me that a certain Domenico Bergamo, a Jesuit, during the expulsion of the vicargeneral Marino, was appointed as the curate of that church, and that he had consistently recognized the right of the confraternity. 2) That our archpriest, Don Federico Bergamo, smiled if anyone questioned this right, always considering it certain and unquestionable. 3) That the same..."

[*Latin ed. p. 186*]

From the Acts of the Apostolic See – Official Commentary: "It is certain that the Reverend Anthony De Angelis performed the duties weekly, as confirmed by 'Marino,' who served as the curate's treasurer, and who also declared this 'right' to be unquestionable. These testimonies are corroborated by numerous others from older members of the same confraternity, who are well-versed in these customs. Thus, Agnellus Pannullo, aged 83, who has been a member of the confraternity for 64 years, testifies: "I have always seen the spiritual father perform his duties in the parish church; only occasionally have I noticed that, in the absence of the spiritual father, not the parish priest, but a foreign priest, specially invited, performed the duties. I have heard from older confreres that this custom has always existed. There have never been disputes between the parish priest and the confraternity, and neither the parish priests Vignola nor Silvestri ever opposed this, but allowed it to happen." Furthermore, Alphonsus Attanasio, who has been associated with the confraternity since 1850, testifies: "From that time (1850) until now, the spiritual father has always performed his duties, and I do not know if there have ever been disputes between the confraternity and the parish priest regarding the three aforementioned functions. When I joined the confraternity, I understood that the spiritual father had always performed his duties in the parish church, without any indication

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of discord." The same is confirmed by Joseph Cicalese, aged 54, Raphael Lamberti, aged 61, and especially Alphonsus Sammartino, born in 1822, whose father had been the prior of the confraternity of Saint Lucy. He, having known all the confraternity's administrators since 1830, as well as the chaplains and parish priests of Saint Michael, recounts individually everything that the other witnesses have briefly mentioned. Moreover, some witnesses were brought to court by the parish priest Petti, and they confirm the ancient and continuous custom, although they deny that it was peaceful. Thus, Alphonsus Marciano: "I know, from my own experience, that the spiritual father of the confraternity has, since the time when the Reverend Father Anthony De Angelis held that office, always performed the three functions in the parish, and I have heard it said repeatedly that this was also done in more remote times." He adds, however: "I must add that there have always been heated disputes between the parish priest and the confraternity regarding these functions; I remember that my uncle, Canon Silvestri, when he held the office of treasurer in the parish, would not only stay away from the parish itself, but also from Nocera, when the spiritual father of the confraternity performed one of the three functions in the parish. I have also heard that disputes were also prevalent during the time of the parish priest Vignola, disputes that continued without interruption."

[*Latin ed. p. 187*]

The Roman Rota, from 187 *up to the present day*. Likewise, Paschalis D'Alessio, aged 62, states: "The spiritual director has always *functioned*. When, in the year 1880, I was received into the confraternity, there were no problems; they began under the parish priest Vignola, due to certain windows that were closed by the confraternity; they continued under the parish priest Silvestri." Furthermore, Joseph of Ferentino affirms: "The spiritual director has always *functioned*." Moreover, witnesses summoned by the parish priest, seem to indicate that the custom was not peaceful, and that the parish priest Petti did not freely, but under a reverential fear, sign the agreement. But with regard to the first point, it should be noted that not all oppositions and annoyances are sufficient to interrupt a custom; indeed, they can even confirm it, if, despite these, the possessor, both in fact and in law, remains in his possession. Let us hear Cardinal De Luca: "Those disturbances and annoyances, which had no effect, and in which the possessor remained victorious, continuing peacefully in his possession afterwards, do not cause an interruption, nor do they harm, but rather they benefit, and more strongly confirm and establish the possession" (Book II, on property, section 184, paragraph 5). However, it is not proven that the oppositions of the parish priests in this case overturned or interrupted the custom of the confraternity. Indeed, the witness Matthew Cioffi, who gives testimony for the parish priest, and who, as chancellor of the episcopal curia, should be well informed about this matter, states: "The complaints

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made by the parish priests, as I have said before, were never presented in writing in the curia, but they were known in the curia." This means that if these disagreements, especially those that arose under the parish priest Vignola, occurred, it was not due to the functions performed by the confraternity in the parish church, but because the confraternity had arbitrarily closed some windows, as testified by Paschalis D'Alessio and Joseph Pagano. Indeed, some witnesses called by the parish priest state that the custom was not continuous, but these are younger individuals, and several others, even of more advanced age, accuse them of lying. With regard to the second point, namely that the parish priest Petti did not freely, but under a reverential fear, sign the agreement, it should first be noted that it is not easy to admit this reverential fear against the value of the agreement brought forward by the parish priest; especially because forty days elapsed between the first and second agreement initiated in the curia, during which time it was very easy to defend oneself against any coercion; and furthermore, the parish priest himself was present at the agreement, and it was concluded in the very palace of the bishop, to whom, completely foreign to any intention of coercion, recourse was available. But to inquire about this matter is of little or no importance. For in this case, we are dealing with a cession of parochial rights, and since...

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis - In this matter, the parish priest may not report anything, unless, according to the form of the papal constitution *Ambitiosae*, a just cause and apostolic approval are added (which is confirmed by the decree of the Sacred Congregation of Rites of January 12, 1704, in which it is stated that agreements of this kind, initiated between the parties, must be approved by the Holy See), and if this agreement lacks any apostolic approval, it is clear that it suffers from nullity. Cardinal De Luca has the following to say on this matter: "An alienation requiring solemnity and a cause, finds its place within the precise limits of the *Extravagantes Ambitiosae*, in incorporeal rights, with the same insistence as in the alienation of land and corporeal things" (De iurisd., disp. 30, par. 7). Therefore, Santi rightly concludes: "The transaction, if made in this case, will bind the party making it, as long as the church or benefice is held... Such a transaction appears to be made rather between individuals than between ecclesiastical entities, and agreements made between others cannot harm others" (Prael. Iur. Can., lib. I, tit. 36, de trans., p. 371). Also, see what is found in the *Acta Teatina Iurium* of 1911, where it is written: "The agreement... lacked apostolic approval, and therefore could not bind the parish priest or his successor, who cannot have his rights prejudiced by a predecessor, when ecclesiastical benefices are to be conferred without diminution" (Acta Apostolicae Sedis, III, 413). Therefore, since the agreement lacks this substantial requirement, the confraternity cannot, as if it

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were a title directly pertaining to it, assert its rights, and therefore, as is clear from the formula of doubt, it can only be considered as a subordinate proposal related to the main question, which is the prescription. Furthermore, if the agreement assumes a custom, as its cause, and this custom does not exist, then it certainly must fail. This is the law. We have already stated that a custom introduced by the confraternity is contrary to common law, as is evident in the celebrated decree of the Congregation of Rites, approved by the Supreme Pontiff, of January 12, 1704, question XXIX: "Can confratres, or their chaplains, interfere in a parish church, without the invitation of the parish priest, in the functions of that church, whether parochial or not?" The answer is: "No." However, in that Constitution, it is stipulated: "...saving agreements entered into between the parties and approved by the Holy See... or customs that are immemorial, or at least centennial." However, the Reverend Fathers and Doctors have considered a custom, at least centennial, to be sufficiently proven by the confraternity. Indeed, several witnesses, exceeding 54 years of age, whether confratres or not, have testified that the disputed rights have been exercised by the confraternity for forty years or more; and that it has been so from a more ancient age.

[*Latin ed. p. 189*]

In Romana, it has been heard that certain individuals possess information, but lack knowledge regarding legitimate claims that could have disrupted the customary peace. It is certain in law that members of the confraternity of S. Luciae could provide testimony concerning this matter (Cf. Reiffenstuel, *Ius Can.*, Book II, Title XX, on witnesses, etc., nos. 211 and following). Therefore, the question remains whether this custom was truly effective, that is, whether all the rights and functions that belong to the parish priest by common law, and those which are said to be prescribed by the confraternity, could have truly been prescribed. There are, indeed, certain things that cannot be prescribed, such as, for example, the *fines* of parishes (Cap. Super eo, 4, on parishes). That parochial rights in general can be prescribed does not seem to be denied; for nothing prohibits it by law; nor does their nature prevent it, provided that even episcopal rights, which are superior, can be prescribed (Cf. Reiffenstuel, *Ius Can.*, Book II, Title 26, on prescription, no. 32, and Benedict XIV, *De synodo dioec.*, Book XIII, Chapter 8, nos. 17 and following). Indeed, many writers speak of the prescription of parochial rights, and it is advisable to hear some of them. Thus, Engel writes: "It belongs to parish churches to exercise jurisdiction in the forum of penance, to administer the sacraments, to solemnize marriages, to have the baptismal font, the cemetery, and the right of burial..." "Although it is not precisely proven from each of these enumerated rights that the church is a parish church, since similar things can also belong to other churches, by privilege or custom or prescription, etc." (Book, Title on

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parishes, no. 5). Also, Reclusius writes: "Since it is known to no one in the church that sacraments can be administered and the care of souls exercised in a church that is not parochial, by privilege or prescription, according to the teaching of Engel... Barbosa... the Rota before Herrera... before Crispo... before Samminiato... before Cardinal Elephantutio... before Figueroa, etc..." (On the parochial matter, Part I, Title 5, nos. 63-64). Regarding the right of burial, Petra says: "Whether such a right of burial can be acquired by custom from the regulars, so that it belongs to them; I answer affirmatively; for although the parish priest has the assistance of the law, ... nevertheless this loses its force, and remains obscured and weakened, by the plurality of acts of possession by the regulars, ... for the said assistance of the law for the parish priest does not have that vehement presumption of law, so that it cannot be infringed, at least by a prescription of forty years with a colored title, or by an unimpeachable prescription" (In Const. IX Innocentii III, no. 57). The same is affirmed by Gonzalez, in Chapter Ad aures, VI, on prescription, and Chapter Cum contingat, XIX, on tithes; Passerini, in VI, Title on tithes, nos. 298-299; Reiff., in Title on tithes, nos. 124-117; Schmalzgrueber, in the same Title, nos. 42-44, and many others.

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis - Official Commentary. If parochial rights, speaking generally, are capable of prescription, nevertheless, some matters pertain so much to the parish priests that they cannot be transferred to another, without a corruption of the law and damage to souls. For custom does not always suffice to establish a prescription, according to the principle enunciated in civil law and adopted by canon law: "Custom and usage are not without some authority, but they are not so powerful as to either 'overcome reason or the law'" (Decree Grat., 1. 2, cod. VIII, 53). Therefore, custom must be reasonable, and it must not be contrary to the common good, nor must it disrupt the order of discipline, in order to be prescribed. Certainly, this is not the case with the custom whereby the confraternity of St. Lucy, through its director, is accustomed to preach the word of God in the parochial church of St. Michael, and to perform sacred rites there, both on the feast of St. Lucy and during the preceding novena, and also on the feast of the Blessed Virgin Mary of Perpetual Help and during the preceding seven days. For we have seen that even by a decree of the Sacred Congregation of Rites of the City and the World, it is permissible to prescribe, through immemorial customs, things which are not there legally granted, namely, for example, that confratres may interfere with parochial or non-parochial functions in a parochial church and carry them out. This custom cannot be considered as disrupting the nerve of ecclesiastical discipline, as being detrimental to the salvation of souls, and therefore not subject to prescription, that is, to a prescriptive transfer, and not to extinction. Thus, the Holy Congregation of the Council has not infre-

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quently permitted the right of a confraternity to celebrate solemn Masses throughout the year at the main altar of a parochial church, even against the will of the parish priest, as, for example, in St. Agatha (Agde), Goth.: 8, III, 1879 (Cf. Monitore Eccl., II, page 145). Similarly, it has permitted an immemorial custom to exist, as in Adiacen., 15, VI, of the year 1878, against parochial rights. Furthermore, the Fathers [of the Sacred Congregation] did not consider it necessary to do anything regarding what the parish priest opposed, namely, that in such a case, and indeed by a legal presumption, the confraternity should be presumed to have carried out its functions through mere voluntary acts, or with the permission obtained from the parish priests, and therefore that the custom was not prescribed, because prescription is not granted in voluntary matters. This legal presumption gives way to a stronger presumption, as when dealing with an immemorial or centennial custom. "In voluntary matters," says Cardinal De Luca, "the rule is that prescription is not granted... unless the time is so long that the lapse of time gives the opportunity to allege a title without proof" (De lud., disc. 22, n. 70). "The presumption of a voluntary act is excluded 'by continued possession for a long time'" (Rota in Colonien. Praec, before Ubaldo, p. 5, t. I, dec. 85, n. 6, Recent.). "The privilege of a voluntary act ceases 'where an immemorial custom is present'" (Rota in CalagUritana, Jur. visit, before Pirovano, page 3, dec. 289, n. 3).

[*Latin ed. p. 191*]

Saint Bornana, Book 1, Chapter 191. Nor are those arguments valid which are adduced to suggest doubt concerning the canonical erection of the confraternity, that it is a lay, and not an ecclesiastical, institution, since there is no certainty regarding its canonical erection, and, on the other hand, in the Kingdom of Naples, most confraternities are ecclesiastical. But, "in the case in which one doubts whether a confraternity has an ecclesiastical or lay nature, recourse must be had to the conjectures which are referred to in the decisions of the Holy Roman Rota, Urbini, May 27, 1892, 'before Ansaldo,' and in Ferrara, September 10, 1842, and July 29, 1853, before the Holy Congregation of E. and R. (vol. I, page 439, no. 385)." From these conjectures, it can be inferred that the same confraternity did not lack canonical erection; which is thus mentioned in a certain writing of Francis of Novellis, Bishop of Sarno: "The Archconfraternity of Saint Lucy of Malone was legitimately erected, as the authentic documents recognized by the Reverend Bishop Luria Lozo attest," as is recorded in the acts. Furthermore, the lack of canonical erection does not seem to prevent the confraternity from legitimately prescribing [certain practices]. What has been said above concerning ecclesiastical functions should also be said concerning preaching among those functions. For to preach the word of God and to give sermons to the people certainly pertains to the parish priests (Council of Trent, Session 5, chapter V, and Session 24,

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chapter IV), but not so exclusively that other priests, approved by the bishop for this office, cannot do so for the benefit of souls. But it must also be said with regard to the custom of administering the Synaxis to the confreres in the main altar of the parish church on Easter Day. For to administer the Eucharist to one's parishioners on Easter is the right and the office of the parish priest alone. If, at that time, the parishioners are urged by command to receive the Eucharist from their own parish priest or in their own parish church (Cf. D'Annibale, *Summa Theologica Moralis*, vol. III, no. 397), they also have the right that the parish priest, or one who performs his office, should offer them the Eucharist at each morning hour. It seems contrary to reason that the parish priest should be prevented from the altar of his church, where the Eucharist is kept, at the very time when the faithful have the duty and the right to receive the Paschal Synaxis there, lest the public right be in some way violated. This is so true that even the religious orders are not granted the faculty and privilege of administering the Synaxis to the faithful in their own churches in the morning, as the Holy Congregation of Rites has decreed on several occasions (Cf. Benedict XIV, *De Synodis Dioecesis*, Book IX, chapter 16, nos. 3-4). Therefore, it does not seem possible to acquire this [right] by prescription, since it is neither granted by privilege, nor does it infringe ecclesiastical discipline. As for the particular custom, it pertains to the judge to decide (Cf. Reiffenstuel, 1.1, title IV, no. 41).

[*Latin ed. p. 192*]

Acts of the Apostolic See - Official Commentary 192. Having considered all matters of fact and law, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and with only God before our eyes, do hereby decide, declare, and definitively pronounce: "It is established by law that the sodality of St. Lucy, through its director, proclaims the word of God in the parish church of San Miguel, and performs sacred rites there, both on the feast of St. Lucy and the preceding novena, and on the feast of the Blessed Virgin Mary, Mother of Perpetual Help, and the preceding septenary; it is, however, established that it does not have the right to administer the Holy Synaxis from the main altar to the members on the feast of Easter." Furthermore, We decree that provision be made for mutual compensation of expenses between the parties. Thus We pronounce, commanding the Ordinaries of the places and the officials of the tribunals to which this pertains, to order the execution of this Our definitive sentence, and to proceed against those who resist, according to the sacred canons, and especially chapter 3, session 25, of the Council of Trent, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, July 27, 1914. Frederick Cattani, Prefect. Anthony Perathoner. Joseph Albert. L. j$j"S. Sac. T. Tani, Notary. SECRETARY OF STATE. LETTER FROM HIS EMINENCE, THE MOST

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REVEREND FATHER, EVERMUND VAN DENBERG, BISHOP OF BERN, ON THE TWENTY-FIFTH ANNIVERSARY OF THE RESTORATION OF THE ARCHCONFRATERNITY OF THE HOLY MASS IN THE ABBEY CHURCH OF HEESWIJK. The letters which you sent on the 4th of this month, I presented to the Most Blessed Father. And the Supreme Pontiff, graciously receiving them, acknowledged with great joy how numerous are the faithful who belong to the Archconfraternity of the Holy Mass, restored in this abbey church of Heeswijk.

[*Latin ed. p. 193*]

The Secretariate informs that 193 parishes, canonically erected, have yet to receive their names, and that the increase in faith and piety resulting from this has been observed. Since this archiconfraternity is nearing its fifth and twentieth anniversaries from its canonical erection, desiring to comply with your requests, the Most Blessed Father follows it with paternal affection and readily offers prayers that, along with its ephemeris, entitled "Het Offer," it may receive ever greater increases for the glory of God and for the fostering of piety among the people. While I communicate this to you, I am greatly honored and rejoice in remaining in Rome, from the buildings of the Vatican, on the 16th of March, 1915. Your most devoted, PETER CARDINAL GASPARRI.

II. DECREE CONCERNING PRAYER FOR PEACE TO BE RECITED DAILY DURING THE MONTH OF MARY, AND CONCERNING THE PARTIAL AND PLENARY INDULGENCES GRANTED TO THOSE PARTICIPATING IN SUCH RECITATION.

His Holiness, Pope Benedict XV, moved by the pious desire to continually increase devotion to the most holy Virgin, to whom the month of May is consecrated, and also animated by the comforting confidence that, through the powerful intercession of the Mother of God, who among her other titles also bears the most noble title of Queen of Peace, the end of this most grievous war may be obtained as soon as possible, has decreed that throughout the Catholic world, every day, during the sacred functions of the month of Mary, the prayer for peace, composed by His Holiness himself, be recited; to which prayer the Holy Father has graciously deigned to attach an Indulgence of 300 days, to be gained once a day, and a Plenary Indulgence, to be gained in the usual manner of the Church, for those faithful who have participated in the recitation of this prayer for no less than 20 days.

From the Vatican, April 9, 1915.

PIETRO CARDINAL GASPARRI,

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Secretary of State of His Holiness.

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis - Official Commentary, DIARY OF THE ROMAN CURIA, SECRETARY OF STATE, bearing the seal of the Secretary of State: His Holiness has deigned to appoint: April 1, 1915. — The Most Reverend Cardinal Benedetto Lorenzelli, Protector of the Institute of Poor Sisters of the Schools of Our Lady in Bavaria. April 12. — The Reverend Father Pietro Benedetti, General Procurator of the Missionaries of the Sacred Heart, Consultor of the Holy Consistorial Congregation. By Apostolic Briefs, His Holiness has deigned to appoint: Domestic Prelates of His Holiness: February 2, 1915. — Monsignor Silvestro Silvestri-Setacci, Canon Prior of the Chapter of Terni. March 24. — Monsignor Giacomo Skala, Senior of the Chapter of St. Peter in Bautzen. — Monsignor Doctor Martino Leitner, Professor in the Theological College of Passau. March 29. — Monsignor Stanislao Roti-Michelozzi, Canon of the Metropolitan Church of Florence. March 30. — Monsignor Gaetano Bossi, Professor in the Roman Lateran Seminary. April 12. — Monsignor Antonio Domenico Rossi, Abbot Nilus of St. Martin at Cimino. HONORS: By Apostolic Brief, His Holiness has deigned to confer the following honors: The Grand Cross of the Order of St. Sylvester the Pope: March 26, 1915. — To Mr. Federico Alfonso de Carvalho, Under-Secretary in the Ministry of Foreign Affairs in Brazil. The Commander of the Order of St. Gregory the Great, civil class: April 9, 1915. — To Mr. Carlo Augusto Bertini, of Rome. The Commander of the Order of St. Sylvester the Pope: March 26, 1915. — To Mr. Cavaliere Carlo Balestrino, General Consul of Guatemala. April 12, 1915. — To Mr. Vincenzo Gigliesi, of Rome.

[*Latin ed. p. 195*]

Diarium Romanae Curiae 195: The Knighthood of the Order of Saint Gregory the Great, civil class: March 25, 1915. – To Mr. Domenico Mordacchini, of Ronciglione. April 13. – To Mr. Giacomo Helbach, of the archdiocese of KolÃn. April 15. – To Mr. Engineer Enrico Rossi, of Bologna. The Knighthood of the Order of Saint Sylvester the Pope: March 29, 1915. – To Mr. Giuseppe Samalik, president of the association of Catholic farmers of MÃ¤hren. April 10. – To Mr. Mario Timoteo, Count Kolowrat-Krakowsky-Liebsteinsky, of the archdiocese of Prague.

THE PAPAL HOUSEHOLD: BY PAPAL BULL

With the tickets of His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains:

October 12, 1914. – Monsignor Teofilo Guimaràes, of the diocese of Pouso

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Alegre.

December 9. – Monsignor Giuseppe M. Friessenegger, of the diocese of Augsburg.

December 12. – Monsignor Massimiliano Rippler, of the same diocese.

December 12. – Monsignor Carlo Goetz, of the diocese of Passau.

December 12. – Monsignor Francesco di Paola Pangratz, of the same diocese.

January 30, 1915. – Monsignor Agostino Albrecht, of the archdiocese of Vienne.

January 30, 1915. – Monsignor Venceslao Binder, of the same archdiocese.

January 30, 1915. – Monsignor Stefano Bratanié, of the same archdiocese.

January 30, 1915. – Monsignor Francesco Dorfmann, of the same archdiocese.

January 30, 1915. – Monsignor Ladislao de Esterhazy, of the same archdiocese.

January 30, 1915. – Monsignor Giovanni Grippel, of the same archdiocese.

January 30, 1915. – Monsignor Giovanni Hein wein, of the same archdiocese.

January 30, 1915. – Monsignor Edoardo Kraus, of the same archdiocese.

January 30, 1915. – Monsignor Giovanni Lhotta, of the same archdiocese.

January 30, 1915. – Monsignor Michele Mayer, of the same archdiocese.

January 30, 1915. – Monsignor Egelberto Müller, of the same archdiocese.

January 30, 1915. – Monsignor Guglielmo Panesch, of the same archdiocese.

January 30, 1915. – Monsignor Ludovico Petschner, of the same archdiocese.

January 30, 1915. – Monsignor Vittorio Schmidt, of the same archdiocese.

January 30, 1915. – Monsignor Carlo Weczerzik, of the same archdiocese.

January 30, 1915. – Monsignor Giulio Dworak, of the same archdiocese.

January 30, 1915. – Monsignor Giuseppe Pascher, of the same archdiocese.

January 30, 1915. – Monsignor Giovanni Mayboeck, of the diocese of Linz.

January 30, 1915. – Monsignor Giovanni Trinkfass, of the same diocese.

January 30, 1915. – Monsignor Carlo Edelmueller, of the same diocese.

January 30, 1915. – Monsignor Ferdinando de Schoemburg, of the same diocese.

January 30, 1915. – Monsignor Ruperto Buchmair, of the same diocese.

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January 30, 1915. – Monsignor Luigi Walcher, of the same diocese.

January 30, 1915. – Monsignor Francesco Schmid, of the same diocese.

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis - Official Commentary, Honorary Chamberlains, wearing the peacock blue cassock of His Holiness: November 12, 1914. — Monsignor Sabino Coelho, of the diocese of Parahyba. — Monsignor Odilone Continho da Silva, of the same diocese. — Monsignor Francesco d'Assisi Albuguerque, of the same diocese. December 9. — Monsignor Simon Schmid, of the diocese of Augsburg. January 30, 1915. — Monsignor Rodolfo Böhm, of the archdiocese of Vienna. — Monsignor Mattia Eisterer, of the same archdiocese. — Monsignor Francesco Hiessberger, of the same archdiocese. — Monsignor Giovanni Pax, of the same archdiocese. — Monsignor Leopoldo Rossmiller, of the same archdiocese. — Monsignor Leopoldo Schranzhofer, of the same archdiocese. — Monsignor Carlo Straniale, of the same archdiocese. — Monsignor Francesco Stauracz, of the same archdiocese. — Monsignor Frederick Tobler, of the same archdiocese. — Monsignor Giuseppe Wolny, of the same archdiocese. — Monsignor Giuseppe Kobler, of the diocese of Linz. — Monsignor Martin Fuchs, of the same diocese. — Monsignor Mattia Hiptmair, of the same diocese. — Monsignor Francesco Stingeder, of the same diocese. — Monsignor Louis Weinberger, of the same diocese. Honorary Secret Chamberlains of Sword and Cape, extraordinary, of His Holiness: September 28, 1914. — The Right Honorable Viscount Louis G. Franco Valon de Espés, of the archdiocese of Saragossa. December 12. — The Honorable Baron Anthony de Ow Felldorf, of the diocese of Passau. January 30, 1915. — The Honorable Count Daniel d'Esterhazy, of the archdiocese of Salzburg. — The Honorable Joseph Baechlé, of the same archdiocese. — The Honorable Marquis Albert Kubinzky, of the same archdiocese. Honorary Chamberlains, outside of Rome, of His Holiness: December 9, 1914. — Monsignor Giovanni Landes, of the diocese of Augsburg. — Monsignor Maximilian Steigenberger, of the same diocese. January 30, 1915. — Monsignor Gaspare Foraschik, of the archdiocese of Vienna. — Monsignor Carlo Pauczek, of the same archdiocese. — Monsignor Frederick Sixt, of the same archdiocese. — Monsignor Joseph Scheiner, of the same archdiocese. Honorary Chaplains, outside of Rome, of His Holiness: January 30, 1915. — Monsignor Ferdinand Guschel, of the archdiocese of Vienna. — Monsignor Giovanni B. Hauser, of the diocese of Linz. NECROLOGY, May 1914. — Monsignor Emmanuel Rivera, Bishop of Queretaro. March 30, 1915. — Monsignor Pancrazio Giorgi, Bishop of Segni. March 31. — Monsignor James Louis Monestés, Bishop of Dijon.

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April 8. — Monsignor Fidel Abati, titular Bishop of Dioclezianopolis.

[*Latin ed. p. 197*]

May 6, 1915. Year TU - Toi. YII No. 8. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE BENEDICT XV. APOSTOLIC CONSTITUTION CONCERNING THE ABBEY OF SUBLACENA. BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE OF THE DIVINE THINGS.

The Monastery of Sublacena, since it was founded by the very Patriarch, the holy Benedict, and has been consecrated by his presence and by the illustrious and great examples of his virtues, has always been favored by the Roman Pontiffs, our predecessors. For it is well known from the memory of our ancestors that even Saint Gregory the Great received it, and adorned it with many benefits, and that it was especially devoted to the faith of the Apostolic See.

In the following centuries, as time passed, its authority grew daily, and it gradually acquired a larger patrimony, and had many villages and towns under its care, and its subjects, both in temporal and spiritual matters, were subject to its jurisdiction. Thus, in the eleventh century, when the Monastery had acquired a very extensive territory, it was placed by the decrees of the Roman Pontiffs directly under the Apostolic See. ACTA, vol. Vir, n. 8. — 6-5-915. Gregory.

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis - The official commentary, in two Constitutions, in the year 1574 and in the year 1576, recognized that very same Abbey as belonging to no diocese; at that time, the Abbot Regular who presided over the Monastery also governed that separated territory. — Later, Our predecessors, either Urban VI, who in the year 1579 reserved the nomination of the Abbot Regular to himself, or Callistus III, who in the year 1455 entrusted that Abbey to the Sacred College of Cardinals, nothing was changed in the nature of the Abbey, which remained Regular, as it was, and was governed by an Abbot of the Monastery. Moreover, Urban VIII, through Apostolic letters given to the Holy Militant Church on the fifteenth of November in the year 1638, accurately defining the boundaries and rights of the Abbey of Subiaco, which the Bishop of Tivoli had impugned, decreed: "The Monastery, or Abbey of Saint Scholastica in Subiaco, of the Order of Saint Benedict, has and had a separate territory or district; in which the Abbot or Commendatory of that time had, exercised, and could exercise all ecclesiastical jurisdiction, as if episcopal, over the priests, churches, inhabitants, and all within the territory of that Monastery." And, concerning the episcopal jurisdiction of the Abbot or Commendatory, nothing was changed by Benedict XIV, when he took away from him temporal jurisdiction. Indeed, in the Constitution given to

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Us on the sixth of November in the year 1753, it is declared: "preserving intact and without diminution, and perpetually, the said ecclesiastical and spiritual jurisdiction of that Monastery and of its Abbot or Commendatory for the time being," in the same territory. — In more recent times, both Pius VI, who had been the Commendatory Abbot of the Monastery of Subiaco, and Pius IX, and Our immediate predecessor, the blessed Pius X, have inquired about the Abbey of Subiaco, and have held a certain degree of authority over it. Now, We, who, with the hope of heavenly patronage, have assumed the name of Saint Benedict when undertaking the office of the Pontificate, do not wish to yield to any of Our predecessors in the diligent care of the Abbey of Subiaco, considering, with whom...

[*Latin ed. p. 199*]

The Roman Curia, having considered 199 reasons why the Roman Pontiffs have entrusted the Abbey to commendaries, and finding that, with the changes of times and circumstances, these reasons no longer exist, it has decided to restore the Abbey to its former state, so that it may have the same rights as the Abbey of Montecassino, and others of this kind. Therefore, the Abbot or Prefect of the regular Chapter of the Monastery of Saint Scholastica is hereby recalled to the governance of the Nullius Abbey of Subiaco; to this Abbot, canonically elected and confirmed by Us, We grant a jurisdiction almost episcopal within a separate territory subject to the Abbey, and also over the churches, clergy, and laity who are within the boundaries of that territory; together with all the privileges, honors, and faculties, including the power to confer the sacrament of Confirmation within the boundaries of the territory, which have been granted to the Abbot of Montecassino and other inferior prelates who exercise a jurisdiction almost episcopal within separate territories. We also grant to the same Abbot of Saint Scholastica all temporal rights pertaining to the abbatial table, and whatever the Cardinal commendatory had. Furthermore, We decree that the secular Chapter of the church of Saint Andrew, which is in Subiaco, and also the Subiaco Seminary of secular clergy, shall obey the Ordinary Abbot of Saint Scholastica in all things, just as, according to the sacred canons, any church or college or chapter of canons or diocesan seminary ought to obey its Ordinary: retaining, however, its own nature pertaining to the secular clergy. And since, until now, there has been disagreement and dispute between the church of Saint Andrew and the secular Chapter concerning rights, We, in order that the matter may no longer remain in doubt – having before Our eyes the interpretation given by Our predecessor, Leo XIII of holy memory, in the Apostolic Letter *Interest Ecclesiae*, dated January 28, 1876, and sanctioned by the Decree of the Sacred Congregation on April 26, 1892 – decree that the abbatial church of Saint Scholastica, together with its regular Chapter, enjoys the title, privileges, and rights of a cathedral or

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quasi-cathedral church of the Nullius Abbey of Subiaco.

[*Latin ed. p. 200*]

Acts of the Apostolic See - Official Commentary 200. "Concerning the superior authority over the church and the canons of Saint Andrew," We confirm to the same church, whether secular or belonging to Saint Andrew, along with its Chapter, the rights, honors, and privileges of a cathedral or quasi-cathedral. – The reasons which arise between the Ordinary Abbot and the secular Chapter of Saint Andrew, and also between the aforementioned Abbot and the regular Chapter of Saint Scholastica, which pertain to the administration of the same Abbey, must be defined by the following provisions (Supplementary Regulations), which We add to this Constitution. These provisions are equally valid as the Constitution itself: and We command, with the fullness of Apostolic power, that both be inviolably observed, even if they introduce any change to what has been granted previously. – To the Venerable Brother, Bishop of Anagni, We entrust the execution of all the prescriptions of this Constitution and those added to it. Therefore, whatever is established here, both in this Constitution and in the annexed regulations, We command to be considered valid and firm: notwithstanding the Apostolic letters *Interest Ecclesiae*, mentioned above, by which, in part contrary to this Constitution, We derogate; and also Our and the Apostolic Chancery's regulations concerning legal matters, without prejudice to them, and all other regulations, even those of a special and individual nature, which might be contrary to them. Given at Rome, at Saint Peter's, in the year of the Incarnation of the Lord one thousand nine hundred and fifteen, on the twenty-first day of March, in the feast of Saint Benedict, in the first year of Our Pontificate.

P. CARD. GASPARRI

C. CARD. DE LAI

Secretarius Status.
S. C. Consistorialis Secretarius.
In the place of the seal,
VISA M. RlGGl, C. A., Not. Reg. in Cane. Ap., N.

[*Latin ed. p. 201*]

Acts of Pope Benedict XV, 201. LETTERS I, To the Most Reverend Father Paschal Morganti, Archbishop of Ravenna, expressing gratitude for the reverently presented books. Venerable Brother, greetings and the apostolic blessing. – Know that your gift has been most pleasing to Us, not only for the piety shown in Your service to Us, but also for the hope of benefit that We expect to derive from it, as We trust that the priests to whom Your books

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are intended to be helpful will receive them. For the pious reflections and prayers which you have included therein, the duties of the priestly life, so well illuminated by the words of Holy Scripture and the teachings of the Fathers and Doctors of the Church, so effectively inspire devotion, that they will be a considerable aid of divine grace in preparing the hearts of priests for those wonderful ascensions, by which their life, both hidden with Christ in God, and in benefiting the souls of their neighbors, becomes wonderfully active. Therefore, We give thanks not only for Your services, and congratulations for the excellent work You have done, but also We grant the requested permission – which We gladly bestow – to dedicate those same books to Our name: which itself is a sign of piety and devotion, a heavenly omen of Our beneficent works, and a testament to Our benevolence. We impart to You, Venerable Brother, and to Your entire flock, the apostolic blessing, with all Our heart, in the Lord. Given in Rome, at St. Peter's, on the fourteenth day of April, in the year 1915, in the first year of Our pontificate. BENEDICT XV. II, To the Most Reverend Father Joseph Scatti, Bishop of Savona and Noli, concerning the centenary celebrations in honor of Our Lady of Mercy. Venerable Brother, greetings and the apostolic blessing. – We know that Our predecessor, of blessed memory, Pope Pius X, in a letter sent to You last year, Venerable Brother, concerning the sacred centenary celebrations which were being prepared here in honor of Our Lady of Mercy, promised...

[*Latin ed. p. 202*]

202 Acta Apostolicae Sedis - The official commentary indicates that a distinguished man will be appointed to represent the Roman Pontiff at these celebrations. Indeed, what Pius promised, We, with God's help, intend to fulfill, and that with particular zeal and devotion. For charity moves Us greatly concerning Our Liguria, within whose embrace the Divine Mother has established a noble seat of Her benevolence; and We remember with gratitude that, in the very bloom of our youth, We visited that sacred edifice many times, and that there, once and again, We experienced great spiritual joy. But above all, reason moves Us in these most miserable times in which We live. For, having accepted the highest office, We are immediately involved in the midst of all struggles and conflicts, and We understand that We must strive, as did Our predecessors, especially, to appease the wrath of God for the sake of human society, whose salvation is now entrusted to Our care. Therefore, We do not cease to implore divine mercy through prayers offered throughout the Catholic world, invoking, above all, the Virgin Mother, who, with many glorious titles, rightly receives the name of Suppliant to the Almighty. Therefore, you can be certain that these Marian celebrations, which are about to take place, will not only be pleasing to Us, but will also be eagerly anticipated, so that they may contribute to fostering or renewing faith and devotion to Mary in many. To this is added the fact

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that these very celebrations bring to mind events that seem very suitable for confirming that faith. For it is remembered that, almost a hundred years ago, during a similar upheaval throughout Europe, the Vicar of Jesus Christ was subjected to much more severe treatment, so severe that the ship of the Church could scarcely be kept afloat amidst the greatest storms and turmoil: but, through the present help of the Virgin, Pope Pius VII, contrary to all expectations, was restored, and in the same year, the golden crown was placed upon the statue of the Virgin in Savona, fulfilling the vow to Mary, Helper of Christians. Therefore, considering these things, We are moved not only by the duty of a grateful heart to enhance the solemnity of this commemoration, because in Our most holy predecessor, the pontifical freedom and dignity of the Mother of God were wonderfully vindicated, but also for the reason that, in these times so sad and so full of dread for the Christian cause, We may secure that very protection. Therefore, We wish that one of the Cardinals of the Holy Roman Church attend these sacred celebrations in Our name; and that he be chosen from among those from the neighboring region of Liguria, Our beloved son, Andrew, Cardinal Archbishop of Milan, whom We declare to be Our Legate in these matters. Indeed, it is not only pleasing to hold these celebrations with greater solemnity, but also to make them more beneficial to the Christian people. Therefore, heavenly...

[*Latin ed. p. 203*]

Acta Benedicti PP. XV 203, opening the treasures of the Church, concerning which We have the power of dispensation, We grant a plenary indulgence to all those who, having duly performed penance and having partaken of the Eucharistic banquet, shall visit the church of Savona during the days of this celebration, and there commend the Catholic faith to God. Furthermore, to priests from both orders who shall administer the sacraments of confession there, We grant a greater power of absolution, which is customarily granted by the Apostolic See during the time of the Jubilee. But concerning this matter, We order that proper apostolic letters be issued in a concise form. Finally, since We desire to demonstrate Our benevolence towards the diocese of Savona, and to distinguish this episcopal see, which is bound to the Roman Pontiff by no ordinary ties, with some special honor, We grant to that see the privilege of the Pallium forever; and We are greatly pleased that you, venerable Brother, among the bishops of Savona, shall be the first to enjoy this privilege, for the sake of the affection We have for you. As a pledge of divine graces and a witness of Our benevolence, We impart to you and to your clergy and people Our most loving apostolic blessing. Given at Rome, at St. Peter's, on the nineteenth day of the month of April, in the year 1915, in the first year of Our pontificate. BENEDICT XV.

To the Most Reverend Matthew Crawley Boeve, Priest of the Congregation of the Most Holy Heart of Jesus and Mary: Concerning the Consecra-

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tion of Individual Catholic Families to the Most Sacred Heart of Jesus.

Beloved Son, greetings and Our apostolic blessing.

We have gladly read your letters, as well as the writings attached to them, from which We learned that for many years you have diligently and prudently devoted yourself to the work of consecrating families to the Most Sacred Heart of Jesus, so that, with the image of the Divine Heart placed in a prominent place in the homes, Christ the Lord may truly seem to reign within the walls of Catholic families. Indeed, the entire human race has been dedicated by Our predecessor, Leo XIII of blessed memory, to the Divine Heart, and his letters on this subject, the *Annum Sacrum*, are well known. But, after this general act of devotion has been performed, this devotion of individual families does not seem superfluous, but rather, it is most fitting.

[*Latin ed. p. 204*]

204 Acta Apostolicae Sedis - A commentary most appropriate and highly conducive to the holy purpose of the Pontiff: for that which pertains to each individual touches us far more than that which is common. We rejoice that the fruits of your labors have been so abundant, and we urge you to persevere with the same diligence in your endeavors. — You have a matter in your hands that is supremely opportune for these times. To pervert and, both privately and publicly, to undermine that moral order which the Church has fostered and cultivated, and to gradually strip human society of all traces of Christian wisdom and virtue, reducing it to the miserable practices of paganism, this is what they desire, what many strive for with great zeal, and may it be without success. But the domestic society is the primary target of these wicked attacks; for since it contains the principles and, as it were, the seeds of the common society of men, they foresee that any conversion or, rather, corruption of the domestic institutions will necessarily lead to the corruption of the entire human community. Therefore, by enacting laws on divorce, they undermine the stability of marriage; by compelling youth to be educated in public institutions, which are often far removed from religion, they strike at the very foundations of the nation's authority; and by promoting immoral practices of lust and the exploitation of nature, they impiously corrupt the very source of human nature and defile the sanctity of the home with the most impure customs. Therefore, beloved son, for the sake of the cause of human society, strive above all to awaken or foster a Christian spirit within the domestic sphere, bringing the charity of Jesus Christ into the depths of our homes, as if it were a mistress. Indeed, you are doing this by the very Spouse Christ, who has promised to bless those homes in which the image of His Heart is piously venerated. It is certainly holy and salutary to attribute such reverence and honor to our most beloved Redeemer; but this is by no means all. It is also most necessary to know Christ; to have knowledge of His doctrine, His

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life, His passion, His glory: not to follow Him with a superficial sense of religiosity, which indeed easily moves tender and gentle hearts, elicits tears, but leaves vices untouched; but with a lively and steadfast faith, which directs and governs the mind, the soul, and the morals. But this is precisely the reason why Jesus is either neglected by many, or loved only in a limited way, because He is almost unknown to them, or not sufficiently known. Therefore, proceed, beloved son, to strive and to accomplish, so that the flames of love for the most holy Heart of Jesus may be kindled in the homes of Catholics; but also strive and accomplish that this love may be followed by a greater and deeper knowledge of Christ the Lord, of the truth and discipline that He brought, in all the homes that you visit. - And we, in order to encourage this common piety, will...

[*Latin ed. p. 205*]

Let us examine what Our predecessor of holy memory, Pope Pius X, granted in the year 1913, at the request of the Bishops of Chile, namely, the pontifical indulgences to families from that republic which had dedicated themselves to the Most Holy Heart. We extend these same benefits to all Catholic families throughout the world who do the same. May you, beloved Son, receive the apostolic blessing which we impart to you with paternal affection, and may you be a witness to the heavenly blessings and to Our paternal benevolence. Given in Rome, at St. Peter's, on the twenty-seventh day of April, in the year 1915, in the first year of Our pontificate. BENEDICT XV.

LETTERS TO THE MOST REVEREND AND ILLUSTRIOUS CARDINAL ARCHBISHOP OF PARIS, CONCERNING THE CULT OF THE MOST HOLY HEART OF JESUS IN THE EUCHARIST.

In order to dispel all doubts and anxieties which have arisen among the faithful following the publication of the decrees of the Sacred Congregation of Rites on March 28th and July 15th of the preceding year, Your Eminence recently requested an explicit declaration from the Holy See regarding the following question: "Does the title 'Cor Iesu Eucharisticum' retain the meaning it has in the most recent collection [Raccolta] of Indulgences of the year 1898, and in the brief issued by Leo XIII on February 16, 1903?"

This matter having been brought before the aforementioned Sacred Congregation of the Holy Office, which is charged with ensuring that the purity of the faith is not disturbed by any mixture, after careful consideration by all, in a plenary session held on Thursday, March 24th of the current year, it was decided to respond: "Affirmatively; and with the understanding that the decrees of the Holy See regarding emblems, and indeed also regarding the liturgical aspect, must remain firm and immutable."

[*Latin ed. p. 206*]

206 Acta Apostolicae Sedis - Commentarium Officiale: Concerning de-

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votion to the Eucharistic Heart of Jesus; however, devotion to the "Heart of Jesus" in the Eucharist ought to be practiced in such a way that it is approved by the Apostolic See, "in the sense of the declaration contained in the most recent Collection of Indulgences, published in the year 1898." Whoever reflects for a short time on the readings in the Roman Breviary for the Office of the feast of the Most Sacred Heart of Jesus, which has long been granted, will easily find that it commends above all "the charity of Christ, who is patient, and who dies for the redemption of mankind, and who, in the commemoration of his death, instituted the sacrament of his body and blood, so that the faithful may remember it more devoutly and fervently under the symbol of the Most Sacred Heart, and may receive more abundantly the fruits thereof"; and the feast of the Most Holy Body of Christ is so joined with the feast of the same Most Sacred Heart in the sacred liturgy that one seems to be the sequel and complement of the other. Therefore, it is not surprising that, as devotion to the Most Sacred Heart of Jesus in the Eucharist subsequently increased, it has been constantly declared by the Apostolic See that "the devotion to the Most Sacred Heart of Jesus in the Eucharist is not a devotion superior to that of the Eucharist itself, nor is it distinct from devotion to the Most Sacred Heart of Jesus." From all of this, it clearly follows that devotion to the Most Sacred Heart of Jesus in the Eucharist has never been disapproved by the Holy See, but rather has been recognized positively on several occasions; however, this is entirely and only in this sense, and that new emblems, images, titles, and liturgical feasts concerning it have been prohibited, so that, perhaps, the minds of the simple, captivated by a love of novelty, might not be led to express the very sacred thing in erroneous or less appropriate ways. Therefore, I beseech you, that you, as frequenters of this so salutary devotion, may be prudently instructed in the true and genuine mind of the Apostolic See, and may strengthen yourselves in the holy purpose; I consider it a great honor to express the sentiments of my highest esteem to Your Eminence, to whom I humbly offer my hand for a kiss. Given from the halls of the Holy Office, on the 3rd of April, 1915. R. CARD. MERRY DEL VAL, Secretary.

[*Latin ed. p. 207*]

The Most Holy Congregation of the Holy Office, Section II, concerning Indulgences. DECREE: An Indulgence is Augmented and Extended for a Certain Prayer to the Most Holy Sacrament.

On the 15th of April, 1915, Our Most Holy Lord, Pope Benedict, of Divine Providence, XV, in an audience granted to the Reverend Father, Assistant of the Holy Office, having abolished the partial indulgences that hitherto were granted upon the recitation of the prayer: "Sia lodato e ringraziato ogni momento, il santissimo e divinissimo Sacramento," graciously deigned to grant an indulgence of three hundred days, applicable also to the souls of the departed, to be gained as many times as any of the faithful

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shall recite said prayer, at least with a contrite heart: provided that the plenary indulgence, also applicable to the souls of the departed, once per month, shall remain, to be gained by those who are accustomed to recite the aforementioned prayer throughout the entire month. This present decree is valid perpetually, without any brief expedition. Notwithstanding anything to the contrary.

R. CARD. MERRY DEL VAL, Secretary.

L. S.

Donatus, Archbishop of Ephesus, Assistant of the Holy Office.

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION. DECLARATION concerning the Consistorial Decree of January 25, 1911. By the Consistorial Decree of January 25, 1911, it was established that the pious works and obligations existing in the church of the Most Holy Trinity, near the Innocentian Curia, together with all its titles, rights, and privileges, should be transferred to St. Apollinaris; and that, by virtue of the same decree, the administration and care of this church should be undertaken by that priest who is currently serving as rector of the church of the Most Holy Trinity, with the obligation imposed upon him and his legitimate successors to fulfill all the obligations which belonged to each of the two separate churches. Now, since a question has recently arisen concerning the manner and conditions under which the care of the church of St. Apollinaris and the fulfillment of the obligations of the ancient church of the Most Holy Trinity, which were entrusted to the aforementioned rector, have been carried out, after mature consideration, the Most Holy Pope Benedict XV judged it fitting to declare and establish, as this Consistorial Decree declares and establishes, that the aforementioned rector, dependent upon the Most Eminent Vicar of the City, to whom the matter pertains primarily, and always respecting the rights of the Roman Seminary, should administer the church of St. Apollinaris and fulfill therein the obligations which belonged to the ancient church of the Most Holy Trinity, according to common law, to which the decree of January 25, 1911, has not at all derogated. Given from the Sacred Congregation, on April 24, 1915. SS. C. CARD. DB LAI, Bishop of Sabina, Secretary. f. Thomas, Archbishop of Edessa, Assessor.

[*Latin ed. p. 209*]

SACRED CONGREGATION OF THE COUNCIL, FANUM, MEDIA A.D. 16 January 1915.

Statement of Facts. – After a certain parish priest of the diocese of Fanum had taken possession of the revenues of his benefice, the syndic of the

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cathedral chapter, acting as administrator of the fabric, demanded from him the *media annata*, that is, half of the revenues of the first year, for expenses incurred by the fabric. The parish priest, however, replied that, after deducting taxes and expenses, he had scarcely any, or certainly very little, revenue remaining in the first year of his office; but the chapter, noting that in the present time no parish priest in Italy receives an annual revenue of less than nine hundred *lire*, asserted that the sum due to them, according to the law, under the title of *media annata*, amounted to at least 450 *lire*, although, as a concession, they were willing to reduce it to 225 *lire* in favor of the parish priest, urging him to make the payment. The parish priest, however, did not comply with these demands, and for this reason he was brought before the court by the chapter. The Bishop, in order to settle the dispute, considered it better to submit the arguments presented from both sides, and especially the difficulties raised by the parish priest, to the examination of this Sacred Congregation. These difficulties – as the Bishop reported, in July of the year 1914 – are as follows: a) That in the present time, the *media annata* consists only of a very small sum, sufficient only to demonstrate obedience and submission to the higher Church; a difficulty which the chapter, in fact, calls "the parish priest's battle cry." b) That the sum received under the title of *congrua* or *justa*, does not come into the calculation of the revenues on which the *media annata* is to be paid; firstly, because the aforementioned sum is not recognized by the Church as a just revenue; and secondly, because it is received for the sustenance of the rector personally, and therefore is received under a personal title, not an official one. c) That all burdens, whether taxes or expenses, which are necessarily incurred in the proper performance of the parish duties, especially in these difficult times, should be deducted from the calculation of the revenues. d) That in the diocese of Fanum, in the past, only a very small sum has customarily been paid by the parish priests under the title of *media annata*. This last difficulty, which constitutes the entire essence of the case, is contrary to the position of the chapter.

[*Latin ed. p. 210*]

210 Acta Apostolicae Sedis - The official commentary and the testimony of the Bishop were deemed sufficient. To address other difficulties concerning the law, the Bishop reverently submitted these four questions to the Holy Congregation, namely: I. Are only parochial benefices that do not receive a suitable supplement from the civil government subject to the obligation of paying the half-year's rent, or are those benefices also subject to this obligation which do receive a suitable supplement or an entire, proper compensation from said government? II. In determining the amount of the half-year's rent, should the suitable supplement also be included? III. In determining the same amount, should the following also be included: a) the tithes that are actually received? b) uncertain sums of any kind? c) the

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sums that are transferred by the civil authority under the title of expenses of worship? IV. In establishing the amount of the half-year's rent, besides the real burdens, should the following be deducted: a) the tax called "di mano morta"? b) the inheritance tax, and that sum of money which must be paid in the first year for acquiring possession of the benefice or under a similar title? Opinion of the Consultor. - Regarding this specific case, one of the Holy Congregation's Consultors was asked for his opinion, and it is best to briefly summarize his opinion. I. To address the proposed questions - so he - it is necessary first of all to briefly summarize the prescriptions and statutes of the canons concerning the half-year's rent. And concerning the nature and origin of this payment, it is not necessary to investigate matters at length. For it is known that, by competent authority, certain determined burdens, which are called pensions, half-year's rents, etc., have customarily been imposed on ecclesiastical benefices, in order to achieve a particular purpose. Among these is the half-year's rent, namely, a determined payment equal to half of the income of the first year derived from the benefice, which is usually imposed by Apostolic authority at the very collation of the benefice, to be paid only once in favor of the fabric of the cathedral or collegiate church. This is ordinarily based on the constitution of Benedict XIII, which begins "Pius et misericors," dated May 10, 1725, the text of which, declared authentic by the Holy Congregation (Armino, July 7, 1855), contains, among other things, the following relevant passage: "We decree, command, and order, throughout all of Italy and the adjacent islands, that, in the future, provisions be made for parochial benefices, together with those that yield an annual income of one hundred Roman monetary units, and for prebends and benefices, both residential and non-residential, and simple, located outside collegiate churches, that..."

[*Latin ed. p. 211*]

The Holy Congregation of Councils 211: "And whenever there are revenues, they shall be obligated to pay and respectively deposit the average annual amount for the construction of the cathedral church. With regard to parishes, together with uncertain revenues, and with the sum of one hundred scudi annually, and with regard to canonries and benefices, both residentiary and simple, located in collegiate churches or transferred to them, of whatever value they may be, they shall likewise be obligated to pay and respectively deposit the average annual amount for the construction of the collegiate church... Whether the aforementioned benefices are of free collation or of patronage, mixed or even lay, and to whatever election, collation, institution, and provision they pertain, whether to the Metropolitan or Ordinary, or to the chapter, or to any other inferior, provided that the collation, institution, and provision do not pertain to the Holy See, or even if a legitimate custom of paying or remitting the fruits for six months, or a similar, but not less, rate in favor of the construction or sacristy, does

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not exist, in either case nothing shall be paid or deposited for the aforementioned construction... We decree, however, that the benefices of those dioceses and collegiate churches are not subject to this our constitution, in which there is found a work or a special patrimony of the construction sufficiently endowed, or the burden or obligation of repairing, restoring, and conserving the churches rests with the local communities, or the patrons of said churches are present." The constitution itself is endowed with a nullifying decree and a clause "removed," and therefore it cannot be nullified by a contrary custom subsequently arising; nor does it admit any other exceptions than those three explicitly mentioned in the text above: namely, if the provision of the benefice is made immediately by the Apostolic See; if, when the law was enacted, a custom already existed of paying for the construction or sacristy a similar, but not less, rate; if the construction of the cathedral or collegiate church has been sufficiently provided for from other sources, so that the purpose of the law may be said to have completely ceased. - Furthermore (so that we may establish this at the outset), none of these three exceptions occurs in the present case: indeed, in the chapter of Cento, in addition to the common obligation, a special title arises for demanding the average annual amount by virtue of an agreement, initiated in the year 1828 after long disputes and endowed with the authority of the Holy Congregation of Councils, by which the chapter itself is obligated to bear a part of the burden of maintaining the construction of the cathedral church, by providing certain revenues "including the average annual amount"; which, therefore, if the chapter does not diligently demand, it will be obligated to supplement from its own assets. With these things considered, it now seems sufficient to have gathered what must be answered to the first question: namely, whenever the revenues of a parish, together with uncertain revenues, exceed the sum of one hundred scudi, the average annual amount must be paid from it.

[*Latin ed. p. 212*]

I. The Acts of the Apostolic See – Official Commentary, for half a year, without any distinction being made regarding parishes that receive a suitable or supplementary collection. The arguments presented to the contrary by the pastor are to be judged as entirely unsound; for, that "the half-year collection is now reduced to a very small amount, a mere offering, a sign of 'veneration towards the greater church, a few lire and nothing more'," is an arbitrary assertion, lacking any foundation, unless it perhaps relies on an equivocation between the half-year collection and the right of the cathedral, which is truly given to the bishop "as a sign of submission to the cathedral." On the contrary, the half-year collection is a necessary contribution that must be paid and fully provided for the benefit of the fabric and furnishings (including lights and candles) of the church; indeed, the Holy Congregation has repeatedly prohibited its use for expenses related

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to festivals and singing, or for the salary of an organist and similar things.

II. The other questions concern the correct calculation of the annual income from which the half-year collection is to be paid: in this matter, the very words of the Benedictine constitutions, which include uncertain revenues in this calculation, must first be considered: "From the parish funds, together with uncertain revenues, an annual income of one hundred Roman monetary units from the proceeds... must be paid, etc." The Holy Congregation has interpreted this rule in such a way that uncertain revenues that are fixed are included, but not accidental ones. We find, for example, in Nolan, December 14, 1901, in which, in a chapter denying the inclusion of uncertain revenues in the calculation of income, for this purpose, the Holy See nevertheless stated: "The constitution 'Pius et misericors' of Benedict XIII must be observed, with the exception of purely accidental revenues." Furthermore, from this resolution, not only is it clear what must be answered to question III c, "whether the same amount must be determined and calculated, including uncertain revenues of any kind" (and the answer to this can be nothing other than: affirmatively, with the exception of purely accidental ones), but also the other parts of this III question, and indeed also II, are easily resolved. Indeed, the tithes that are actually received, as well as the sum that is sometimes paid by civil authorities in place of the tithes that it presumes to abolish, are true and certain revenues, which increase the patrimony of the parish, and therefore should certainly be included in the calculation.

A more subtle question, theoretically, could be raised about the supplement to the collection; but in practice, all difficulty ceases, after the response of the Holy Penitentiary of December 14, 1899, to I: "Considering the circumstances of the times, it can be tolerated (that pastors may receive the collection or a supplement, even if these revenues come from ecclesiastical goods unjustly confiscated)."

[*Latin ed. p. 213*]

S. Congregation of the Council 213 "after removing the scandal, and with the intention of observing the mandates of the Church." Therefore, whatever the origin of this revenue may be, in fact, under the aforementioned conditions, it is usually lawfully and safely received by the parish priest, and held in his assets, and therefore, whether as a certain and true income, or at least (having due regard for the obligation of observing the mandates of the Church) as an uncertain, but now fixed and stable income, it undoubtedly falls within the amount of the annual sum to be determined. With this understood obligation "of observing the mandates of the Church," it is also clearly evident how weak is the parish priest's difficulty arising from the fact that the supplement or the appropriate amount is paid solely by the intention of the civil authority for the support of the pastor. It remains to say something about the sums which are transferred by the civil

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authority under the title of expenses for worship; but it is easily understood that these sums, when received, correspond integrally to the burdens of worship for which they are given, so that, if they were included in the calculation of the amount, they would immediately have to be deducted as expenses. Since, therefore, these same sums, necessarily, never exist in the assets of the parish priest, it is obvious that they should not be included in the calculation under consideration, neither in the amounts included, nor in the deductions.

III. Finally, the question arises of the burdens which must be deducted in determining the amount of the annual sum. The principle for resolving this question is clearly stated in several decrees of the Holy See, namely, "that fixed and real burdens must be deducted, but not personal ones." See Tiburtin, U. Mart. 1754; Aesin., July 20, 1878, no. 3; Gamerinen., July 3, 1852, where the burdens to be deducted are more precisely defined as follows: "deducting the expenses for the ordinary maintenance of funds, payments of pensions, public taxes, and alms for Masses, according to the law of the foundation for the calculation for the synodal assessment"; Aesin., July 18, 1874, where the deduction of the burden of conventual Masses (which is a personal burden, as are Masses for the people) is denied, etc. According to canon law, there is no doubt as to which burdens are called real, and which are personal: real burdens are those which are made in order to obtain from outside something necessary for the sacred ministry (whether it be a thing or an action), e.g., for the celebration of endowed Masses; personal burdens, on the other hand, are those which consist in the performance of one's own or intrinsic work, e.g., in Masses said by obligation (conventual or for the people), in preaching the Word of God, in the administration of the Sacraments, etc. Fixed burdens, as is evident, are those which must be fulfilled each year, whether they are personal or real. From this it is clear that all public taxes, except for the tax called succession, are fixed and real burdens (not excluding the tax called *iUMA*, vol. VII, no. 8).

[*Latin ed. p. 214*]

Acts of the Apostolic See - Official Commentary, "from a dead hand"; for this must be paid annually. The inheritance tax, as well as other expenses which must be borne only once, or during the first year only, for the acquisition of the benefice, are in no way to be considered as fixed and real burdens, and therefore are not to be deducted. Otherwise, it would follow that the amount upon which the annual payment is calculated must also be deducted! - However, considering the gravity of this inheritance tax, which often amounts to a fourth of the income, the Consultor expressed the opinion that, out of kindness, some indulgence or mitigation should be granted in the calculation of the amount in question, or at least in the method of payment of the said annual payment, lest it happen that, in the first year of the new benefice, the holder is almost entirely lacking in honest

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sustenance. With the foregoing noted, the question was raised as to how the doubts proposed by the Bishop of Fano should be resolved. Resolution. The Sacred Congregation of the Council, in plenary sessions of the Most Reverend Fathers held on January 16, 1915, after mature deliberation, decided that the following should be answered regarding points 1, 2, 3, and 4: The opinion is: The Bishop, using the remedies of law, compels the parish priest N. N. to pay the sum of 225 florins for the construction of the cathedral. This resolution, in an audience on the 18th day of the same month, was approved by Our Most Holy Lord Benedict, Divine Providence of the Popes XV. O. GIORGI, Secretary. REGARDING THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD CHARLES DOMINIC ALBINI, OF THE CONGREGATION OF THE MOST BLESSED VIRGIN MARY IMMACULATE. DECREE CONCERNING THE INTRODUCTION OF THE CAUSE. In the city of Menton, principality of Monaco, on November 26, 1790, Charles Dominic Albini, born of parents of good reputation and piety, spent his childhood and adolescence under the protection and care of the Mother of God.

[*Latin ed. p. 215*]

The Congregation of Bishops, in document 215 concerning Virgins and Saint Aloysius Gonzaga, interpreted the matter in such a way that he excelled among his equals in intellect, docility, and piety. Having completed his studies in the humanities in his homeland, desiring to dedicate himself to the service of God, he presented himself to the diocese of Nice, where, in the major seminary established in Cimiez, he completed his higher studies with distinction. Ordained to the priesthood in 1815, he immediately exercised the sacred ministry, traveling through cities and villages, with beneficial results; then, approved by the Bishop of Nice, he was first appointed to hear the confessions of nuns, and then to direct the major seminary. However, desiring greater things, the Servant of God, among the Oblates of the Immaculate Mary, entered the novitiate at Aix-en-Provence in 1824, and after a few months, he proved himself worthy to be admitted to the profession of vows, with an Apostolic Indult. Instructed in Scripture, patristics, and history, he never ceased to preach the Gospel; and also, at the order of his superiors, in 1827 he went to Marseilles, where, as is said, he greatly benefited the clergy and the Christian people, as well as the Sisters of Saint Charles and the work undertaken by the Italians, which he himself had established in the church of Calvary, for the preservation of the faith and morals. In 1835, with companions sent by the Founder of the Oblates to the island of Corsica, he was appointed to the house in Vich, and he traveled almost the entire region with sacred missions. Finally, the Man of God, weakened by labors and the exhaustion of his strength, and suffering from a disease that grew worse day by day, received the sacraments of the Church from Father Guibert, his companion, who later became the

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Cardinal Archbishop of Paris, and passed away to the Lord on May 21, 1839. Concerning the sanctity of this religious and missionary priest, the Ordinary Informative Processes were prepared in the dioceses of Ajaccio and Nice, and were sent to Rome to the Congregation of Sacred Rites. When all was ready according to the law, at the urgent request of the Most Reverend Father Joseph Lemius, the General Procurator of the Congregation of the Oblates of the Immaculate Mary and promoter of the Cause, and with the attentive letters of certain Eminences, Cardinals, Archbishops, and Bishops, as well as superiors general of Orders or Congregations, and other persons of ecclesiastical or civil distinction, the Eminent and Most Reverend Cardinal Benedict Lorenzelli, Relator of the same Cause, proposed the following question to be discussed at the meetings of the Congregation of Sacred Rites, convened at the Vatican on a specified date: "Should a Commission be appointed to introduce the Cause, in this case and for the purpose in question?" And the Eminent and Reverend Fathers entrusted with the safeguarding of the sacred rites, after the report of the Eminent Proposer, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after mature deliberation, decided to respond: "Affirmatively, that is, a Commission should be appointed, if it pleases the Most Holy." April 13, 1915.

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis — Official Commentary. The following was reported to the Congregation for Sacred Rites by the undersigned Cardinal, Prefect, and His Holiness, having approved the decree of the same Sacred Council, deigned to sign with his own hand the commission for the introduction of the cause of beatification and canonization of the Servant of God, Charles Dominic Albini, of the Congregation of the Oblates of the Most Blessed Virgin Mary Immaculate, on the 14th day of the same month and year. A. CARD. VICO, Prefect. L. © S. f. Petrus La Fontaine, elected Patriarch of Venice, Secretary. SACRED ROMAN ROTA, LIMBURGEN. Concerning Contumacy. During the happy reign of Pope Benedict XV, in the first year of his pontificate, on the 18th of February, 1915, the Most Reverend Fathers, Francis Heiner, presiding, John Prior, and Aloysius Sincero, Auditors of Tournon, in the case of Limburg – Contumacy, between the Reverend Father N. N., parish priest, the plaintiff, represented by the Reverend Father Hector De Angelis, duly appointed procurator, and the Episcopal Curia of Limburg, the defendant, represented by the procurator, Reverend Father Arthur Wynen, advocate, with the intervention and participation of the Promoter of Justice, rendered the following final judgment. The priest, N. N., parish priest of the place N. N., in the diocese of Limburg, was accused before the episcopal curia of the same diocese by persons of entirely trustworthy faith of very grave crimes. For this reason, the priest accused was summoned by the ecclesiastical authority of Limburg, not once, but

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repeatedly, to defend himself against these accusations. But, although the parish priest N. N. was duly summoned, he not only did not obey, but also offered great insults to the very curia itself, and...

[*Latin ed. p. 217*]

The Roman Rota, in case number 217, unjustly affected its judges with vulgar insults. After all the warnings of the Bishop, and all the attempts by the episcopal court to serve process had failed, the accused priest was declared contumacious, and after a canonically proper process was completed, he was, to his detriment, deprived of his parish benefice due to very grave offenses proven by witnesses, as he was fully convicted. However, the parish priest N. N. did not acquiesce to this sentence, but appealed to the second instance, namely to the metropolitan tribunal of Freiburg, in order to be declared innocent of contumacy and absolved from the penalty imposed upon him. However, the metropolitan tribunal rejected the appeal of the parish priest, confirming the declaration of contumacy made in the first instance. But even against this sentence of the second instance, the parish priest N. N. protested, filing an appeal to the H. S. O., where, from a properly agreed-upon doubt, it must be judged: Whether contumacy truly exists in this case. Concerning the matter of contumacy, of which we are speaking in this case, it must be briefly noted that, whenever any summons or invitation to appear in court is legitimately made by a judge, if the defendant, having been summoned or invited, refuses to appear without a just cause, he will be considered contumacious. However, a judge cannot declare a defendant contumacious unless it has first been established that: the summons reached the defendant in a timely manner, and that the defendant neglected to offer an excuse for his absence from the trial, or that he presented an excuse that was not just, all of which can be verified either by a new summons served to the defendant, so that he may, if he can, excuse his contumacy, or in another way. In a criminal proceeding, a judge can declare a defendant contumacious either ex officio or at the request of the promoter of justice; once the defendant's contumacy has been declared, the judge can proceed to a final judgment, and once that judgment has been duly notified, it can be executed. After a sentence of contumacy has been pronounced, the defendant can petition the same judge who pronounced the sentence to restore him to his benefice in full, against the sentence of contumacy, if he proves a just impediment to his delay; but if the question is about contumacy, it must always be assumed that the contumacy is real, not fictitious, formal, and not merely material, that is, disobedience to a legitimate judge in matters pertaining to the judge, committed with intent (Schmalzgr., part 2, title 14, no. 38; Reiffenstuel, l. 2, t. 14, no. 43; Rota, dec 293, no. 4, p. 4, Rec.), or that it has the character of a crime, such as when it is joined with contempt for the judge or judicial authority, which contempt does not necessarily have to be expressed in explicit words, but it is suffi-

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cient that in the very act of disobedience, considering all the circumstances, it is implied (Pirhing, l. 2, title 14, § 1, no. 20; Rota, coram Heiner, decis. 19, no. 24, 399).

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis - Commentarium Officiale. Therefore, he who is legitimately summoned to judgment, and is neither justly hindered nor has a just reason for excuse, but refuses to obey the mandate of the judge, is truly contumacious, for, above all, he who is duly summoned must appear. According to the norms of common law, three citations must be issued, or one peremptory citation in place of three (Schmalzgr., loc. cit., n. 40), but in summary proceedings, according to the instruction of the Sacred Congregation of Bishops and Regular Canons regarding disciplinary and criminal cases of clerics of June 11, 1880, two citations are required and sufficient (n. XXIV), so that if the summoned person does not appear, he may be declared contumacious. These principles of law were before the eyes of the Most Reverend Fathers Auditors in the matter under consideration, namely, whether the parish priest N. N. was contumacious, as determined by the previous two hearings. We inquire into this from the individual facts contained in the records of the proceedings. On November 13, 1911, the episcopal curia of Limburg sent certain letters regarding a denunciation of crimes committed by him to the parish priest N. N. However, he refused to accept these same letters, which is why they were sent to the aforementioned curia, as can be seen in the records. A few days later, namely on November 17, 1911, through the medium of a neighboring parish priest, the episcopal curia sent the same parish priest N. N. a citation with the order to appear in court on a specified date and time. After reading the letters of citation, the parish priest N. N. returned the same letters to the priest who delivered them, stating that they did not pertain to him. He then wrote to the curia, stating that the letters sent to him did not concern him, adding that he, in another case, would have thrown the letters of the curia down from the stairs as a common messenger. The only reason that the parish priest N. N. asserted that the letters did not concern him was because they were addressed to "Rev. D. N. N., parish priest," and not to "Rev. Dominus Doctor N. N." The Bishop of Limburg, being gravely ill, sent kind letters, stating that the omission of the title "doctor" was not made in bad faith, but through oversight of the curia. It should be noted that the parish priest N. N. obtained the title of "doctor" in philosophy at the Protestant University of Basle, without license and consent of the proper Ordinary of Limburg, which consent is prescribed in all dioceses of Germany. At the beginning of January 1912, accusations or denouncements of a very serious nature arrived at the episcopal curia from trustworthy persons against the same parish priest N. N. After summoning and duly examining four witnesses,

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the Bishop, in order to avoid further scandal, suspended the accused priest from office by decree of January 17, 1912, and summoned him to appear before the court, to answer the very serious accusations brought against him. The accused followed this citation.

[*Latin ed. p. 219*]

The Roman Rota is number 219, and on January 30, 1912, its examination took place before the vicar general, in the presence of a notary. In this session, he was obligated to respond to all and each of the charges against him, but he denied almost everything, except for one offense, which he confessed. The accused approved of the reading of the investigation protocol, but he refused to sign it, stating that he would never confirm such a document, that is, in the offices of the curia. Eight days later, new, credible reports reached the episcopal curia; therefore, to avoid a serious scandal, on February 21, 1912, the parish priest N. N. was ordered to resign from his parish; if he refused, he was summoned to appear before the judge to continue the judicial proceedings. However, the parish priest, in a letter dated February 26, 1912, wrote to the bishop and his curia, full of grave insults: "that he would not resign, nor would he appear before the curia." Then, on February 28, the episcopal curia sent the parish priest a second summons, and indeed a peremptory one, with the express warning that, if the accused did not obey, he would be considered contumacious, and the investigation proceedings against him would be carried out to their conclusion. It is demonstrated by the receipt from the postal service that these letters reached the hands of the parish priest. However, even after being summoned, the parish priest did not appear. But all of this, as it appears from the documents in the records of the proceedings, did not pertain to the canonical process in the strict sense, since the Bishop wished to proceed in an administrative manner. However, since all the Bishop's leniency had no effect, he finally ordered a strict judicial procedure, and to this end, he appointed a promoter of justice by decree on April 9, 1912. The promoter of justice established the charges, which are listed in the summary, but the parish priest, repeatedly summoned to appear to answer the charges and defend himself, did not appear, and therefore, on June 17, 1913, he was declared contumacious, and this was done with good reason, for as prescribed in the aforementioned Instruction of the Sacred Congregation of Bishops and Regular Canons of January 11, 1880, number XXIV: "If (the accused) refuses to submit to judgment, the indictment is repeated, in which the same is given a reasonable peremptory term, and he is informed that, if he still refuses to obey, he will be considered contumacious, and for such an act he will be considered as having ignored even this last summons, unless he presents a proven and legitimate impediment." In fact: was the parish priest N. N. declared contumacious by the Limburg episcopal curia, after having been duly summoned at least twice, and indeed once peremptorily,

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but without appearing and presenting a legitimate impediment? The first summons was made on August 21, 1912, in which, after listing the reported offenses, it is stated: "These..."

[*Latin ed. p. 220*]

The *Acta Apostolicae Sedis* records: "On Friday, the 23rd of this month, at half-past three in the afternoon, you are summoned to appear in the official hall of the aforementioned court, to answer." Since the accused did not appear, a second summons was issued on September 3, 1912. This summons reads as follows: "You are again, and indeed in peremptory form, summoned to appear on the next Monday, the 9th of September, at half-past three in the afternoon, in the official hall of the aforementioned court, to answer, concerning the same matter as was stated in the summons of the 21st of this month, with the notification that, if you do not present a reason for your absence, and do not comply with this summons, a process will be instituted against you for contumacy, without further notice." In the third summons, dated January 24, 1913, the president of the episcopal tribunal wrote to the accused: "Out of special consideration for you, we are sending you the final summons to appear before the aforementioned court on the next Friday, the 31st of this month, at half-past three in the afternoon, with the notification that, if, for some reason, you are unable to attend, without further notice, a procedure for contumacy will be instituted against you. You must here answer regarding the accusations, which were already communicated to you in the summons of August 21st of the previous year, namely concerning a grave..." All these summonses were duly notified to the accused, for they were transmitted by letters, as is customary in Germania, and were registered with the public post offices, as can be seen from the records, with due diligence in ensuring their receipt. Furthermore, the accused himself admits that he read the final summons: "I examined the letter from the episcopal ordinariate on the 24th of this month (that is, January 1913)," as is stated in the summary. And if, in those same letters, he writes: "The letters of the latter half of last year were not read," he should not be believed, for it is clear from the documents that the episcopal court sent before the summons of January 24th, that he received the summons of September 3, 1912, of the previous year, which was transmitted by the public post offices, as is attested by the receipt, and that he did not respond to it, nor to the previous summonses, even though he appears to have read it, as must be concluded from his own handwritten note on the open envelope: "The sender (that is, the episcopal court) is obligated to bear the expenses of the dispatch; Dr. N. N., parish priest of the place N. N., September 25, 1912." But even if the accused had not read the summons letters, he must attribute the subsequent events to himself. This manner of acting never excuses one from contumacy in a canonical process, as is also confirmed by the Supreme Tribunal of the Apostolic Signatura

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in the case of Neo-Eboracum. A complaint of nullity had been interposed against the solemn sentence of December 9, 1911, due to a defect in the judicial form, namely, the regular summons.

[*Latin ed. p. 221*]

The Roman Rota, in its appellate jurisdiction, was absent. "However, it was decided by the Apostolic Signatura, based on the records, that a summons had been duly sent by the regular channel of the Parisian court, as evidenced by letters delivered publicly in the designated area, with the added obligation of notifying the recipient; and therefore, it is solely the responsibility of the woman herself if those letters were not opened by her." The eminent judges, in a plenary session on January 10, 1914, decreed that the appeal should be rejected. (Acta Apostolicae Sedis, vol. VI, p. 165). In fact, if such ignorance could excuse one from contumacy, the judicial process would be ineffective, and thus all justice would be disturbed. Nor can it be said that no one can be contumacious who has a just cause for not appearing before the judge. We have already seen that it is not a cause for excuse if the person cited, as he claims, did not read the summonses that he undoubtedly received. But all the other causes of excuse presented by the accused afterward are so trivial, futile, and indeed ridiculous, that it is unworthy of the tribunal to treat them individually and to refute them one by one. For example, the accused wrote in a letter dated January 18, 1913, in response to the final peremptory summons: "It is scarcely believable that the episcopal court would truly expect me to interrupt my studies, which are the very foundation of my being, or to generally interrupt them without a reasonable cause, in order to appear before it, as if I were some infamous person. Therefore, I can only consider this letter as some sign of good will for entering into dealings with me." This license of language against the episcopal court is not an excuse for contumacy, but rather increases his culpability; it is a contempt for the authority of the judge, and is therefore itself a crime (cf. Lega, de iud. eccl. vol. IV, P. III, t. 7 IV, n. 365). The situation is the same with the other cause of excuse presented by the cited parish priest. He writes (loc. cit.): "Because a man has only one nervous system, and because if I had not submitted to the procedures of the ordinariate without resistance, I would no longer be alive, nor would anyone in the ordinariate." But this inconvenience is inherent in the obligation to appear before the judge in a criminal case, and no one is excused from the obligation because of the inherent inconvenience of the obligation itself. Furthermore, the parish priest N. N. could, without endangering his health, during his period of suspension, voluntarily devote himself to philological studies in Berlin, and indeed so diligently that he did not find time to respond to the summons of the episcopal court, not even by letter of excuse; rather, he is not allowed to present himself to the citing judge for an dishonest or infamous reason, such as the summons itself. That "infamy," which the

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cited person claims was caused by the episcopal court, consisted in the fact that the court...

[*Latin ed. p. 222*]

The Acts of the Apostolic See cited and examined certain witnesses. Therefore, according to the parish priest N. N., no tribunal has the right to summon witnesses in order to hear them regarding crimes reported by them, lest the accuser be rendered infamous. It is not for the judge to discuss such follies. If the defender believes that his client acted out of ignorance of the law regarding canonical citations and their observance, it must be pointed out that the parish priest N. N. could not have been ignorant of the consequences of his contumacy, which he himself recalled, as the president of the court of first instance, as well as the canon Kilian, now Bishop of Limburg, noted; and if he truly had been ignorant, he would not thereby be excused from contumacy, since, according to the rule of law, "ignorance of the fact does not excuse." Furthermore, the jurisdiction of the court of first instance was not suspended by the appeal of the defendant to the superior court of Freiburg against the penalty of suspension imposed on him on January 17, 1912, because a) the appeal was not filed until six months after the appeal was filed; b) the appeal was against an administrative act of the Bishop, not a judicial act of the tribunal, since the tribunal was only established by the Bishop's decree on April 9, 1912; c) the appeal was finally rejected, or rather, the petition was not accepted, because it offended in numerous places in the due respect to ecclesiastical authority; d) therefore, the same appellant could not seriously offer the same petition, unchanged, to the Freiburg ordinariate on November 9, 1912. Thus, the true contumacy of the Reverend N. N. is established. Contumacy is punished by the denial of the right to appeal, at least regularly, as the authors teach (cf. Rota, Colonien.-Monasterien., before Heiner, and in the final instance before Lega), and also by the restitution of benefits in full (Pichler, 1. 2, tit. n. 14,21). The practice in the Roman Rota, as testified by de Luca (de iudic, disc. 10, n. 1439), Schmalzgrueber (de dolo et contum., n. 56), Pichler, ibid., and other canonists, of granting an appeal even to a truly contumacious person, is noteworthy; this practice, however, presupposes that the appellant had not been entirely rebellious against ecclesiastical authority, as appears from the Rota's decision 16 in Novis, cited by Schmalzgrueber: "And thus, 'for this reason it was declared and determined that such a person could 'appeal,' unless it could be expressly proven that he 'knew and disregarded,' 'which alone makes the contumacious person unheard.'" The parish priest N. N., however, reached the extreme of contumacy, and gave undeniable signs of a rebellious spirit towards ecclesiastical authority: before the judicial process was initiated, during the administrative investigation, he twice rejected letters from the ordinariate, citing the frivolous reason of the lack

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of the title "doctor"; on January 30, 1912, he refused to sign the protocol of his depositions, which he acknowledged as accurate, saying that he would "not sign any further protocol" in the offices of the ordinariate. Then, in letters dated February 26, 1912, full of insults...

[*Latin ed. p. 223*]

The Roman Rota, having consulted with the Bishop and the diocese, informed the Bishop: "that the parish priest will not appear before the diocese, nor will he appear before the court." He completely disregarded the peremptory citation of February 28th, which he certainly received, as evidenced by the public receipt given by him at the hearing hall. These circumstances, preceding the judicial process, demonstrate his contempt for ecclesiastical authority, which he has consistently shown in receiving judicial citations, and thus he has brought about the stubborn absence that he threatened. Therefore, in this case, canonical equity does not require that the parish priest N. N. be heard again, but rather, that without delay, the salvation of the parishioners of the place N. N. be considered, who for three years have seen themselves burdened by a parish priest suspended from divine duties. After considering all of this, the undersigned RR. PP. DD. Auditors of Tournon have decided that the question of whether there is contumacy in this case must be answered with a "yes"; therefore, the judgment of the first instance of Limburg is to be made enforceable. At the same time, the parish priest N. N. is condemned to pay all judicial expenses, including the honorarium of the patron of the parish of N. N., since in this case there is a frivolous appeal (Rule of Procedure of the Sacred Roman Rota, § 185). Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to which this pertains, to order the execution of this judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, on reform, of the Council of Trent, applying the executive and coercive means that are more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal of the Sacred Roman Rota, on February 13, 1915. Franciscus Heiner, Presiding. Ioannes Prior. Aloisius Sincero. L. S. From the Chancery of the Sacred Roman Rota, March 3, 1915. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 224*]

Acts of the Apostolic See, Commentary, Official Secretariate. LETTER TO THE MOST REVEREND FATHER, DOM CAROL JOSEPH SCHULTE, BISHOP OF PADERBORN, CONCERNING THE WORK OF ASSISTING PRISONERS ESTABLISHED BY HIM AND OTHER BISHOPS OF GERMANY. I feel it my duty to note what Your Excellency Ulm communicated to me in your esteemed letter, dated April 1st of the current year, regarding the charitable work undertaken by you, with the valuable cooperation of

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your clergy, in favor of prisoners of war. In this regard, you informed me that various good people are constantly engaged in the specially established office, working with admirable dedication to the mission of consoling the prisoners themselves and their families, all the more gladly because they know that with their work they are supporting the pious initiative of the Holy Father, and with even greater merit, since it involves benefiting enemies, which true evangelical charity leads them to consider as brothers in Jesus Christ, without distinction of nationality and religion. I now fulfill the pleasant task of testifying once again to Your Excellency how pleased the Holy Father is with the intelligent and merciful activity that you dedicate to the aforementioned work; a work that provides a worthy counterpart to the diligence demonstrated by other Reverend Prelates of Germany towards prisoners and civilian detainees, and especially to that promoted, for the relief of French priests who are prisoners, by the Most Reverend Cardinal de Hartmann, which deserved the solemn praise bestowed upon it by the same Holiness with the venerable autograph of October 18th of the past year. Therefore, the Holy Father desires that an expression of His supreme approval and praise be given to Your Excellency and to all those, with a high and exquisite sense of Christian charity, who are applying themselves or will apply themselves to assist you. Furthermore, to encourage their holy zeal even more, He imparts anew, or.

[*Latin ed. p. 225*]

The Secretariat of State, and all others, as a sign of particular benevolence, impart the Apostolic Blessing. I also take this opportunity to express to Your Eminence and Reverend Lordship my sentiments of distinct esteem. Rome, April 29, 1915. Your Servant, P. CARD. GASPARRI.

DIARY OF THE ROMAN CURIA

SACRED CONGREGATION FOR RELIGIOUS

NOTICE OF COMPETITION

It is hereby notified that a competition will be held in the Sacred Congregation for Religious for a position of Minor Official, through a written examination, which will take place on June 10th of the coming year, at 8 o'clock in the morning. Those ecclesiastics who wish to participate in this competition must, within one month from the date of this notice, present to the Secretariat of said Congregation an application accompanied by the necessary qualifications for admission.

Rome, May 5, 1915.

f Adolfo, Bishop of Canopus, Secretary.

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SECRETARIAT OF STATE

APPOINTMENTS

By order of the Secretariat of State, the Holy Father has deigned to appoint:

April 22, 1915. – His Eminence, Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Institute "de la Société des Filles de St François de Sales," of Paris.

– His Eminence, Cardinal Domenico Serafini, Protector of the Benedictine Nuns of the Adoration (Novara), Perpetual of the Most Holy Sacrament, of the monastery of Bonco.

[*Latin ed. p. 226*]

Acts of the Apostolic See – Official Commentary, April 22, 1915. – The Most Reverend Cardinal Filippo Giustini, Protector of the Congregation of the Holy Family of Villefranche-de-Rouergue (Rodez). April 23. – The Most Reverend Cardinal Anthony Vico, Protector of the Order of Mary Most Holy of Mercy. – The Most Reverend Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Catholic Workers' Mutual Aid Society "Saint Joachim." April 24. – The Most Reverend Cardinal Diomede Falconio, Protector of the Institute of the Sisters of Charity of Leavenworth. April 25. – The Most Reverend Cardinal Filippo Giustini, Protector of the Archconfraternity of the Prayer and Death of Rome. April 26. – The Most Reverend Cardinal Ludovico Billot, Protector of the Institute of the Brothers of Saint Vincent de Paul. April 29. – The Reverend Father Gelestino of Deggendorf, of the Order of the Capuchin Minor Friars, Consultor of the Holy Congregation of Sacraments. – The Reverend Father Mariano Fernandez Garcia, of the Order of the Minor Friars, Consultor of the Holy Congregation of Rites for causes of beatification and canonization. May 2. – The Most Reverend Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Sacramentine Sisters of Bergamo. – The Most Reverend Cardinal Gaetano Bisleti, Protector of the Society of Saint Gregory, of America. By Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries *ad instar participantium*: April 20, 1915. – Monsignor Adalberto Grócz, general vicar of the diocese of Gran Varadino. April 21. – Monsignor Gedeone Furrer, of the diocese of Coira. Domestic Prelates of His Holiness: April 13, 1915. – Monsignor Michele Bundala, canon of the cathedral of Gran Varadino. – Monsignor Lorenzo Siccardi, canon and provost of the collegiate church of Our Lady of the Vines in Genoa. – Monsignor Carlo Gaudiano, canon primicerius of the cathedral of Foggia. April 24. – Monsignor Andrea Croci, of the archdiocese of Siena. April 29. – Monsignor Benedetto Zandano, general vicar of the archdiocese of Vercelli. – Monsignor Riccardo Orsenigo,

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chancellor of the curia of the same archdiocese.

[*Latin ed. p. 227*]

Diarium Romanae Curiae. HONORS. By an apostolic brief, the Holy Father deigned to bestow the following honors: The Knighthood of the Order of Saint Gregory the Great, civil class: April 22, 1915. – To Mr. Gonzalo de Ojeda y Brooke, formerly attached to the Spanish embassy at the Holy See. The Knighthood of the Order of Saint Sylvester: April 23, 1915. – To Mr. Ercole Pisani, assistant to the accounting office of the Prefecture of the Most Holy Fathers.

CHAMBERLAIN OF HIS HOLINESS. By Letters of His Eminence, the Holy Father deigned to appoint:

Secret Chamberlains of His Holiness: September 30, 1914. – Mons. Emmanuele Béchetoille of the archdiocese of Lyon. November 10. – Mons. Enrico Calleja Schembri of the archdiocese of Malta. December 23. – Mons. Giovanni Steinman of the diocese of Breslau. – Mons. Emilio Nikel of the same diocese. – Mons. Leopoldo de Brühl of the same diocese. – Mons. Giuseppe Gottwald of the same diocese. January 15, 1915. – Mons. Bartolomeo Piceda of the archdiocese of Buenos Aires. January 30 – Mons. Ladislao Dvorak of the archdiocese of Vienna. – Mons. Francesco Hlawati of the same archdiocese. – Mons. Giuseppe Ujöic of the same archdiocese. February 10. – Mons. Carlo Dangl of the diocese of Passau. February 13. – Mons. Stefano Horvat of the archdiocese of Zagreb. February 18. – Mons. Carlo Fritz of the archdiocese of Freiburg im Breisgau. – Mons. Carlo Sehen of the same archdiocese. – Mons. Gustavo Schweitzer of the same archdiocese. – Mons. Giovanni Wächter of the same archdiocese. – Mons. Federico Werber of the same archdiocese. February 23. – Mons. Pietro Giuseppe Géraud of the diocese of Saint-Flour. – Mons. Domenico Mezzadri of the diocese of Lodi. February 24. – Mons. Francesco Pintér of the diocese of Alba Reale. – Mons. Francesco Streit of the same diocese. – Mons. Luigi Viszota of the same diocese. February 26. – Mons. Eugenio Toldy of the diocese of Vaccia. – Mons. Carlo Thury of the same diocese. February 28. – Mons. Michele Mareth of the archdiocese of Prague.

[*Latin ed. p. 228*]

228 Acta Apostolicae Sedis - Official Commentary: Honorary Chamberlains in peacock blue attire of His Holiness: September 28, 1914. — Monsignor Benedetto Virili, of Rome. — Monsignor Vincenzo Nani, of the diocese of Massa Carrara. September 30. — Monsignor Carlo Dumaz, of the archdiocese of Lyon. February 10, 1915. — Monsignor Bernardo Hauth, of the diocese of Passau. February 18. — Monsignor Nicola Gihr, of the archdiocese of Freiburg im Breisgau. — Monsignor Carlo Mayer, of the same archdiocese. February 24. — Monsignor Giovanni Hufnagl, of the diocese of Alba Reale. Secret Chamberlains of Sword and Cape, honorary, of His

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Holiness: November 18, 1914. — Mr. Luigi de Ossa y Brewn, of the diocese of Santiago (Chile). — Mr. Giovanni Enrico Concha y Subercaseaux, of the same diocese. December 23. — Mr. Count Edvino de Henkel-Donnersmark, of the diocese of Breslau. — Mr. Emanuele de Woykowsky Biedan, of the same diocese. — Mr. Felice Porsch, of the same diocese. — Mr. Federico de Mikusch-Buchberg, of the same diocese. February 23, 1915. — Mr. Count Raimondo de Fugger Kirchberg, of the diocese of Rottemburg. Honorary Secret Chaplains of His Holiness: January 19, 1915. — Monsignor Stefano Schulz, of the diocese of Warmia. Honorary Chamberlains extra Urbem of His Holiness: December 23, 1914. — Monsignor Giovanni Sikora, of the diocese of Breslau. February 18, 1915. — Monsignor Luigi Testa, of the archdiocese of Milan. February 24. — Monsignor Giuseppe Vass, of the diocese of Alba Reale. Honorary Chaplains extra Urbem of His Holiness: February 24, 1915. — Monsignor Nicola Weicher, of the diocese of Alba Reale. NECROLOGY: April 23, 1915. — Monsignor Leonardo Baumbach, titular Bishop of Soli. — Monsignor Benedetto Bonazzi, Archbishop of Benevento. April 26. — Monsignor Camillo Tiberio, Bishop of Teggiano.

[*Latin ed. p. 229*]

On May 21, 1915, Year TU, Vol. TU, No. 9, ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY. ACTS OF BENEDICT XV, APOSTOLIC CONSTITUTION CONCERNING THE SUBURBAN DIOCESES. BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR PERPETUAL REMEMBRANCE. From the acts, indeed, in the most recent times, but with weight and principal utility, one thing stands out, which is contained in the Motu Proprio issued by Us on May 2, 1914, concerning the Suburban Dioceses. For a long time, it had been communicated, with sadness, that the governance of these dioceses, with the exception of Velletri and Ostia, was entirely unstable and precarious; for the Most Reverend Cardinals, some of whom held them by right of option, since they could always, if they wished, relinquish them and choose another, it often happened that they changed seats several times, before reaching the rank of Dean. How much inconvenience and detriment this frequent change of seats brought to the care of souls, Our vigilant Pontiff clearly perceived, and He resolved to address the matter directly. Therefore, as We have mentioned, the Motu Proprio states: "that whoever is appointed as a Cardinal Bishop at the beginning shall remain in that See, even when he reaches the rank of Dean."

[*Latin ed. p. 230*]

Acta Apostolicae Sedis - Official Commentary 230 « when it touches; then it will add the diocese of Ostia. « Therefore, the perpetual conjunction of the diocese of Velletri and « Ostia, to which it happens that a Cardinal Dean is joined, these will be the suburban dioceses: Portuensis and Santa

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Rufina, Albanensis, Praenestina, Sabinensis, Tusculana, Veliterna ». Thus spoke Our Most Wise Predecessor. Indeed, given the stability of the Cardinal Bishops in their respective sees, and the law established that whoever becomes Dean shall not abandon the diocese he holds, it seems that Our Predecessor rightly judged that this arrangement was sufficient for the governance of these dioceses, and that, having removed the inconveniences of the previous condition, there was no longer a need to assign suffragan Bishops to each diocese, who, in the name of the Cardinals, would govern them: concerning these suffragans, Pope Pius X had already decreed this four years ago in the Apostolic Constitution *Romanorum Pontificum*, dated April 15, 1910. Furthermore, the suburban dioceses have a small territory and are close to the city, and now, especially, transportation is easy, so that each Cardinal residing in the city, even if busy, can properly govern these dioceses, having undertaken to do so permanently. And if anyone should, due to illness, or old age, or other reasons, require assistance in properly performing the duties of a bishop, he can easily obtain such assistance, either from the Apostolic See or from other sources. Therefore, since Our Predecessor, in the *Motu Proprio* which We have just cited, has taken the Apostolic Constitution as its foundation, and since other, no less important considerations have been added, We, after consulting with several Cardinals of the Holy Roman Church, declare that Constitution abrogated, and We release the Cardinal Bishops of the suburban dioceses from the duty and obligation of appointing suffragans, as they were bound by the prescriptions of that same Constitution. Also, We abolish everything that was established by the aforementioned *Motu Proprio* concerning the annual sums that were to be provided to each suffragan, and concerning all other ecclesiastical goods...

[*Latin ed. p. 231*]

The acts of Pope Benedict XV, page 231, concerning the administration of the suburban vicariates under the Sacred Congregation for the Propagation of the Faith, together with those things which it is deemed fitting to abolish, we declare to be abolished. However, that which is holy and inviolate shall remain, as We ourselves stated in the aforementioned Motu Proprio, established by Pope Pius X with singular wisdom, that as soon as any Cardinal-Bishop assumes the seat, he shall always retain it; and the Dean, besides that, shall also assume the vicariate of Ostia. Finally, the revenues and all the goods of each of these vicariates shall be administered by the individual Cardinal-Bishops, as the case may be. We desire, however, that the Office of the Economic Section, which is mentioned above, shall take care to present a report on its administration each year. Therefore, these things, having been established, declared, and sanctioned by these letters, we decree that they are valid and firm for all parts, and that they shall be observed by all to whom they pertain; notwithstanding any contrary provisions, even those

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worthy of special mention. Given at Rome, at St. Peter's, in the year of the Incarnation of the Lord one thousand nine hundred and thirty-seven, on the first day of February, in the first year of Our Pontificate.

[Signatures:]

Fr. H. M.

CARD. GOTTI

P. CARD. GASPARRI

Secretarius Status

S. C. de Propaganda Fide Praefectus.

[Seal]

VISA

M. RIGGI, C. A.,

Notarius Reg. in Cane. Ap., N.

[*Latin ed. p. 232*]

Acts of the Apostolic See – Official Commentary

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES)

I. DECREE: PIOUS EXERCISE XV. On the Third Days of the Week preceding the Feast of Saint Dominic, a Plenary Indulgence is granted.

May 6, 1915.

Our Most Holy Lord, Pope Benedict, of divine providence, XV, having heard the Most Reverend Father, Assistant of the Holy Office, and in response to the pious petitions of the Most Reverend Father Hyacinth Mariae Cormier, Master General of the Order of Preachers, deigned graciously to grant that all and each of the faithful, who, having confessed their sins and received Holy Communion, participate in pious exercises and prayers, in any church or public or semi-public oratory, for fifteen consecutive Third Days of the Week immediately preceding the feast of the most holy and venerable Saint Dominic Confessor, publicly, with the approval of the Most Reverend Ordinary, and who, at the same time, piously pray according to the intention of the Supreme Pontiff, may, on each occasion, acquire a Plenary Indulgence, applicable also to the souls of the departed.

This decree is valid forever, without any time limitation.

Notwithstanding any contrary provisions.

R. CARD. MERRY DEL VAL, Secretary.

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L.Ç&S.

f DONATUS, Archbishop.

Ephesinus, Assistant of the Holy Office.

[*Latin ed. p. 233*]

The Most Holy Congregation of the Holy Office grants an indulgence of CCC days to those who recite the following pious prayers in honor of the Five Wounds of Our Lord Jesus Christ. A devout exercise in honor of the Five Wounds of Our Lord.

Deus, in adiutorium meum intende. (O God, come to my aid.)

Domine, ad adiuvandum me festina. (O Lord, make haste to help me.)

Gloria Patri, etc. (Glory be to the Father, etc.)

Sicut erat, etc. (As it was in the beginning, is now, and ever shall be, world without end. Amen.)

To the Wound of the Right Hand:

Most beloved my Lord Jesus Christ, Crucified, I adore profoundly, prostrate, with the Most Holy Mary, with all the Angels and Blessed of Heaven, the Most Holy Wound of your Right Hand. I thank you for the infinite love with which you willed to endure so many and such grievous pains for the remission of my sins, which I detest with all my heart; I ask you for the grace to deliver the Supreme Pontiff from his enemies, and that today all the priests of the world may celebrate the Holy Mass piously.

Pater, Ave, et Gloria. (Our Father, Hail Mary, and Glory be to the Father.)

To the Wound of the Left Hand:

Most beloved my Lord Jesus Christ, Crucified, I adore profoundly, prostrate, with the Most Holy Mary, with all the Angels and Blessed of Heaven, the Most Holy Wound of your Left Hand, and I ask you for grace for the poor sinners and for the dying, especially for those who do not wish to be reconciled with you.

Pater, Ave, et Gloria. (Our Father, Hail Mary, and Glory be to the Father.)

To the Wound of the Right Foot:

Most beloved my Lord Jesus Christ, Crucified, I adore profoundly, prostrate, with the Most Holy Mary, with all the Angels and Blessed of Heaven, the Most Holy Wound of your Right Foot, and I ask you for the grace that in all the Orders and Congregations religious, many Saints may arise.

Pater, Ave, et Gloria. (Our Father, Hail Mary, and Glory be to the Father.)

[*Latin ed. p. 234*]

234 Acta Apostolicae Sedis - Official Commentary on the Wound of the

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Left Foot. Most beloved my Lord Jesus Christ, I adore profoundly, prostrate, with the Most Holy Mary, with all the Angels and Blessed of Heaven, the Wound of Your left Foot, and I pray for the liberation of the souls in Purgatory, especially those who, in life, were most devoted to Your holy Wounds. Pater, Ave, and Gloria. To the Wound of the Sacred Side. Most beloved my Lord Jesus Christ, I adore profoundly, prostrate, with the Most Holy Mary, with all the Angels and Blessed of Heaven, the Holy Wound of Your Sacred Side, and I pray that You may bless the Pastor of our diocese and all those persons who commend themselves to our prayers. Pater, Ave, and Gloria. Most sorrowful Virgin, pray for us (three times). Jesus Christ, strengthen these prayers with the merits of Your Passion: grant us the holiness of life, the grace to receive the holy Sacraments at the point of death, and eternal glory. Amen. On the 6th of May, 1915. His Most Holy Name, Most Reverend and Most Reverend Father Benedict, in the audience granted by the Reverend Father, Adcessor of the Holy Office, benignly granted that the faithful, at least with a contrite heart, performing the aforementioned pious exercise in memory of the Five Wounds of Our Lord Jesus Christ, may obtain an indulgence of three hundred days, which will also be beneficial to the deceased. This is valid perpetually and without any time limit. Notwithstanding any contrary decrees. R. CARD. MERRY DEL VAL, Secretary. L. © S. f DONATUS, Archbishop of Ephesinus, Adcessor of the Holy Office.

[*Latin ed. p. 235*]

Sacred Congregation for the Discipline of the Sacraments. CASE REGARDING THE PRESUMPTION OF THE DEATH OF A WIFE. – In a certain city of France, G. B. on September 7, 1871, according to the Tridentine rite, married a certain V. E. This woman, after almost six years, that is, in February 1877, abandoned her husband, and shortly thereafter disappeared completely. Wherefore, G. B., having diligently, but in vain, sought her, dared to enter into a civil union with another woman. However, spurred by the goads of conscience, both of them finally petitioned the Ordinary so that they might be permitted to legitimize their civil union with the sacrament of marriage, simultaneously swearing under oath that they had not entered into the civil union before they had been convinced of the death of their former spouse. The diocesan court, although having considered all matters, recognized the highest probability of the wife V. E.'s death, nevertheless transmitted the proceedings of the case to this Sacred Congregation. RESOLUTION. – When, in order to demonstrate the death of a spouse, proofs of true identity cannot be produced, it will suffice to gather together such conjectures, presumptions, indications, and circumstances, from which a maximum probability, or moral certainty, arises (cf. Instruction of the Holy Office, year 1868). For human matters must be treated in a human manner. Indeed, from the records, the following presumptions are gathered. Age. The woman would now be

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seventy-two years old. However, it is scarcely possible that she reached this age, given that she indulged excessively in both wine and lust. Indeed, this was the reason why the civil court in 1882 pronounced a sentence of separation of persons and property against her. "This decision was more than justified by the habits of intemperance and the notorious misconduct of the woman, who had abandoned the conjugal home to go and live with lovers." It is also known that drunkenness and incontinence are generally more harmful to the health of women than of men. Furthermore, the woman was poor; she earned her living by working as a servant. Indeed, she seems to have fallen completely into misery, if she could no longer work as a servant due to her constant drunkenness. "She indulged in drinking continually, she could no longer stay in place..."

[*Latin ed. p. 236*]

236 Acta Apostolicae Sedis - Commentarium Officiale. Consequently, as time passes, it becomes very probable that even those things necessary for sustaining life will be lacking. Is it likely that such a woman, weakened by vices and poverty, would have lived until the age of seventy-two? The futility of inquiries. The woman disappeared in the year 1877, therefore, thirty-eight years ago; and during that entire period, no trace of her could be found, even though diligent investigations were carried out, both by civil authorities and by her relatives. Inquiries were diligently made as early as 1882 by the civil court, when a man was appearing before the judge to obtain a decree of separation. Since she could not be found in any way, the court was compelled, as it says, "by default," to issue this decree. This decree was subsequently published in a newspaper specifically designated for such announcements, but nothing was heard about the woman, even then. Neither her relatives were able to provide any news about her, but they themselves also believe that she has been dead for some time. Thus, her brother wrote many years ago to the Reverend C. B.: "You are always talking to me about this missing woman (that is, my sister)... now forget her completely, do as I do, it is very probable that she has been dead for a long time... S. wrote to me in 1906 that he had searched a little everywhere in P. (where the woman had lived) and that he had never been able to obtain any information about her." And again, when questioned by the same Reverend in 1911, the same brother responded in the same way: "You are talking to me about my sister; for me, I believe she is dead, and it has been a long time." Therefore, the woman's family has not received any news about her for many years, and they believe that she has been dead for a long time. And indeed, it was not difficult for a woman, who was so often delirious due to excessive drinking, to have met with some unfortunate accident, and her identity could not be ascertained, since no indication of her name was present. In large countries, such as the one in which the woman lived, it is not uncommon for bodies to be found and

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buried anonymously. In the words of the proceedings: "Those of her family, as they were aware of her habits of drunkenness, claim that they believed her to have died by accident. But, having no document about her, the death could not be confirmed." After considering all of this, the Reverend Fathers in the general meetings of this Sacred Congregation, on April 29, 1915, regarding the question: "Should permission be granted to the Reverend G. B. to enter into a second marriage in this case?" decided to answer: "Affirmatively." Aloysius CAPOTOSTI, Bishop of Thermen, Secretary.

[*Latin ed. p. 237*]

SACRED CONGREGATION OF RITES 237

SACRED CONGREGATION OF RITES

DUBIA

REGARDING SINGING

1. It has been repeatedly requested of the Sacred Congregation for Rites: "Whether the rule described in the Vatican Antiphonary concerning hypermetrical syllables, which frequently occur in the singing of hymns, namely that these should not be elided, but should be pronounced distinctly and sung with their proper note, is to be interpreted strictly and rigorously, or, on the contrary, is it permissible to elide these syllables as well, especially if it is considered easier and more convenient in practice?" And the same Sacred Congregation, having heard a special Commission concerning the singing of Gregorian chant, after carefully considering the proposed question, judged it fitting to respond thus: "Negatively to the first part, affirmatively to the second." And thus it wrote and declared on May 14, 1915.

A. CARD. VICO, Pro-Prefect.

L.

S. f

Petrus La Fontaine, elected Patriarch of Venice, Secretary.

[*Latin ed. p. 238*]

238 Acta Apostolicae Sedis - Commentarium Officiale. SACRA ROMANA ROTA LUGANEN. Under Pope Benedict XV, may his reign be blessed, during the first year of his pontificate, on the 5th of March, 1915, the Most Reverend Fathers, William Sebastiani, Dean, Seraphinus Manu, and Franciscus Heiner, Auditors, in the case of Luganen, rendered the following final judgment concerning the rights of the Canons of the ancient foundation, represented by their legitimate procurator, the lawyer

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Angelus D'Alessandri, and the Canons of the more recent foundation, represented by their legitimate procurator, the lawyer Vincentius Sacconi, in the collegiate church of the town of Bellinzona, in the diocese of Luganen:

In Bellinzona, in the diocese of Luganen, in the collegiate church, which is also a parish church, dedicated to the Holy Apostles Peter and Stephen, the chapter originally consisted of an archpriest and six canons; about the middle of the 17th century, other canonical prebends were established, which, since they originated from private endowments, were called "iurispatronatus," to distinguish them from the pre-existing canons of the ancient foundation.

Between the canons of the ancient foundation and the canons of the more recent foundation, disagreements and disputes frequently arose, and to resolve these, an agreement was drawn up in 1752, consisting of twelve articles, signed by the canons, and confirmed by the then Ordinary of Novocomense.

In recent times, three canonical prebends of the ancient foundation were vacant in the same collegiate church, and in 1890, a rescript from the Sacred Congregation was obtained, to be renewed every seven years, which stipulated that the revenues of the vacant canonical prebends were to be distributed in a different manner, dividing them among the canons of both foundations.

However, since 1909, the canons of the more recent foundation, wishing to exclude the canons of the ancient foundation from participating in the distribution of the revenues of the vacant prebends, especially because the latter were admitted to fill their places and to participate in the emoluments on anniversaries and funerals of the chapter, the canons of the ancient foundation, Pfister and Rossi, appealed to the Luganese tribunal, from which two disputes arose, which were, as requested by the canons of the ancient foundation, examined separately.

[*Latin ed. p. 239*]

The Roman Rota has considered and decided upon 239 cases. The first concerned the participation in the revenues of vacant benefices, and on December 14, 1911, a decree was issued: "The canons of the patronate in Bellinzona have the right to participate in the 'portion of the stipends of the canons of ancient foundation which are vacant,' from 1909 to the present, that is, for three consecutive years, 1909, 1910, and 1911." The second concerned the intervention of the canons, i.e., of the present canons, in the anniversaries and funerals of the old chapter, and the judge of Lugano, after hearing the arguments of both parties, and considering a doubtful matter: "Whether the canons of more recent foundation, or of the patronate, are to be admitted to the offices and funerals which are called those of the old chapter, in the church of Saints Peter the Apostle and Stephen the Protomar-

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tyr in the town of Bellinzona, and to the related distributions, whenever they are present to complete the number of seven for the canons of ancient foundation who are absent, or in place of the canons who are vacant," decided: "Regarding the anniversary offices which were accepted from the older canons before the erection of the more recent canons, 'No'; regarding the other offices and regarding the funerals, 'Yes'." The canons of ancient foundation appealed to the Holy Office regarding this decision, seeking not only the justice of the sentence, but also its validity. However, after a brief period of discussion, the patron of the canons of more recent foundation proposed an exception to the end of the litigation, citing Article 9 of the convention of the year 1753, in which it is stated that in the case of any bad or opposed interpretation of one or another chapter of the convention, a doubt should be submitted for declaration to the archpriest and canon theologian, in the collegiate church existing at the time, and that if any party refused to yield, the controversy, after the appeal has been dismissed, should be decided by the Ordinary. However, the Fathers of Tournon, on December 15, 1914, did not admit the exception, primarily because, since in the first doubt a complaint of the nullity of the sentence issued by the court of Lugano had been proposed, this rejected any exception to the end of the litigation. Therefore, today the doubts agreed upon by the parties are to be discussed, namely: 1) Whether there exists a nullity of the sentence of May 5, 1913, in this case? 2) Whether the canons of more recent foundation, or of the patronate, in the town of Bellinzona, are to be admitted to the offices and funerals which are called those of the old chapter, and to the related distributions, whenever they are present to complete the number of seven for the canons of ancient foundation who are absent, or in place of the canons who are vacant? Regarding the first doubt, the Fathers noted in the Roman Rota that only three nullities are admitted, namely, by reason of a lack of jurisdiction or competence, a lack of mandate, and a lack of citation. Regarding the matter of Cardinal De Luca, in Disputation 38, number 22, on judgments...

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis - The Official Commentary states: "It is indeed not considered commendable to annul all those meticulous nullities which arise from the subtleties of the law, or from rigorous superstitions and formalities of practice; therefore, they are not considered by the Curia, except for those resulting from three substantial defects, namely, jurisdiction, citation, and mandate." This law was first introduced by Pope Pius IV in the constitution *In throno iustitiae*, on December 27, 1561, n. 13, confirmed by Pope Paul V in the constitution *Universi agri*, on March 1, 1612, paragraph 5, renewed by Pope Clement XIII in the constitution *Ex parte*, on September 30, 1760, and ratified by Pope Pius VII in his own *motu proprio* on July 6, 1816, paragraph 47. Through this law, as accu-

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rately noted in a Treviren decree before Many on May 15, 1913, the Supreme Pontiffs did not wish to annul substantial nullities, which are those arising from natural law, lest they utterly destroy judgments, but only those which arise "from the subtleties of the law, or from rigorous superstitions and formalities." After considering three nullities, Pope Pius X added a fourth, as expressly stated in paragraph 3, canon 27, of the *Legis propriae S. R. Rotae* in the Bull *Sapienti Consilio*, and the Holy See Tribunal follows this doctrine, as is evident from the aforementioned decision. With these points of law noted, the canons a. f. declared the sentence of May 5, 1913, to be null on three grounds. First, it is clear from the records that there was no completed *litis contestatio*, nor proper citation of the parties. However, in general, it should be said that if the proponent does not prove that both of these were truly lacking in the case, the presumption stands in favor of the validity of the sentence, according to chapter 23 *De electione*, chapter 6 *De renuntiatione*, and chapter 2 *De probationibus*. Specifically, with regard to citation, it is evident from the records that the parties appeared in court and presented their defenses twice. Furthermore, the common doctrine of the authors is that a defect in citation can be cured, or that it is not even necessary, if the convened party voluntarily appears, since in this case the purpose of citation is achieved. Thus, Schmalzgrueber in title *De oblatione libelli*, n. 15: "Citation is not required if the defendant knew from another source that a lawsuit was being brought against him, and did not appear when cited before the judge, but participated in the judgment by responding; for in such a case, it does not appear why, because of the lack of citation, judicial acts would be invalid in the eyes of natural law; for a similar thing happens in a counter-suit, where the plaintiff becomes the defendant, and yet is not cited, because he is present." The same is stated by Reiffenstuel in the same title, n. 69, Pichler, n. 15, etc., etc. Furthermore, the canons a. f. were not only cited but also compelled to appear in court, as it is written in the appealed sentence: "We compelled them by decree of February 19, 1913, to act before our tribunal." With regard to *litis contestatio*, it is now well known that those solemn judicial formulas which were formerly used are no longer required; it is sufficient that the parties have properly understood the object of the dispute and have prepared defenses regarding the object of the dispute.

[*Latin ed. p. 241*]

The Roman Rota, number 241, abundantly demonstrates this. While those claiming a canonical right to a share of the emoluments in the anniversaries and funerals of the old chapter were arguing their case, the older canons opposed them with these words: "The undersigned object to the right claimed by the canons Pfister and Rossi to participate in the services, anniversaries, and funerals of the old chapter." And more clearly, as evidenced in writing on October 26, 1912: "If the opponents are fighting

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only for a gratuitous intervention, we have already yielded on that right; but if they are fighting for a real right to tangible remuneration, we resist." Secondly, it is said that no judgment was denied to the canons because of a lack of defense. But these canons presented their defense not once, but twice. Nor should it be said that these canons did not respond to the duplication of the younger canons: for if they did not respond, the entire fault was theirs; for they did not lack time to respond. As is evident from the summary for the younger canons, the duplication of the younger canons was referred to the older canons on February 17, 1913, and their response was awaited until towards the end of April; that is, for almost two and a half months. Therefore, since they had unduly delayed their response, the Bishop justly decreed the conclusion of the case on April 28. Finally, the validity of the judgment is questioned because the parties were not present to hear the judgment. But it must be noted first that this formality was not required by the Holy Roman Rota. Secondly, it is known that today it suffices for the judgment rendered to reach the knowledge of the parties without a triple or peremptory citation. This is clearly evident from the style of the court and of our Tribunal. Regarding the second question, it should be known that in the collegiate church of Bellinzona there are four classes of anniversaries, or services, or funerals: namely, the first class, when the clergy of the entire city is invited; the second class, when the entire chapter is invited; the third, when only the older chapter; the fourth, when only the archpriest is present. Our question refers to the third class, namely the anniversaries and funerals of the old chapter. And first of all, the Fathers considered it necessary to inquire whether the number of seven must be completed in the aforementioned anniversaries or funerals, or when some canon is prevented from attending, or when a canonry is vacant. In both cases, the Fathers derived the necessity of completing the number of seven primarily from the presumed will of the faithful, who, when requesting an anniversary or funeral of the old chapter, ask for a funeral in which not all, but seven canons must be present; the older canons are certainly to be preferred, but...

[*Latin ed. p. 242*]

Acts of the Apostolic See - Commentary. Since those who are absent must not detract from the solemnity, others must be called to take their place. They argued based on article 8 of the convention of 1752. It is expressly stated therein that older canons who are absent from the aforementioned anniversaries of the old chapter choir may, if a younger canon is absent, substitute another priest who will attend in their name and fulfill their obligation. Therefore, it is presumed that the number of seven must be completed to fulfill the obligation of the old chapter. Thirdly, they noted that since the time of the vacation of three canonries in the year of grace, the archpriest and the other older canons have admitted younger canons to

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take the place of the absent canonries at the aforementioned anniversaries. This is testified by: a) Canon Nazarius Desideri, who, "before being promoted to the cathedral chapter of St. Severinus, was a canon of the regular chapter in the collegiate church of Bellinzona: "The undersigned declares... " that during the brief time he had the honor of belonging to the esteemed chapter of the collegiate church of Bellinzona, from before the year 1889 until October 1891, he always attended the funerals and offices of the third class " held in that church; b) Father Cornelius Fedele: "During the years " in which I was a seminarian, I took part a great number of times " in offices and funerals, not only of the first and second class, but also " of the third class, in place of an absent canon"; c) And also Augustine Locarnini: "During the time that I was in Bellinzona as " a seminarian, I often participated in the so-called offices and funerals " of the old chapter. The rule that was followed in such cases was " to supplement the canons when their attendance did not reach the number " of seven." This is so true that, when in August of the year 1911, the older canons began to exclude the younger canons from the anniversaries of the third class, these were reinstated by the decree of the bishop of December 14 of the same year, and were again admitted to the aforementioned anniversaries, so that the number of seven was always completed. However, if, at times, due to circumstances, this number is not completed, it cannot be said that the old chapter has freed itself from the obligation of completing this number, in violation of the presumed will of the faithful and the long-standing practice. Nor are the testimonies collected by the patron of the canons to be given any weight. Indeed, the declaration of the parish priest, Augustine, is too uncertain, as it does not state to which time and to how many years it refers. The declaration of Canon Codelaghi rather favors the younger canons; for, as that declaration states, from the year 1885 to the year 1887, when there were only two older canons, younger canons were invited to those same offices. Canon Codelaghi adds, nevertheless, that this invitation to the younger canons...

[*Latin ed. p. 243*]

The Roman Rota, in its judgment 243, stated that the number seven had not been completed, but this does not harm the thesis of the junior canons; for it is sufficient that, in the absence of the older canons, they were invited to fill their places; for this shows that the older chapter canons believed that, reduced to only three or four members, they would not be able to celebrate the aforementioned anniversaries by themselves, and therefore they had to invite others. Furthermore, with regard to the testimony of Magdalena Gaietto and the sisters of Forni, the declaration of Charles Nadi is irrelevant, since it refers to a time when three canonries were not yet vacant. From these things, it is not only proven that the number seven must be completed in the anniversaries of the third class, but also that junior canons must be

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called, when the older canons are not present, or when the canonries of the same foundation are vacant. This, however, is not denied by the older canons; as the judge of the first instance states: "Indeed, the aforementioned canons (older) on October 26, 1913, clarified their intention, stating that their objection to the junior canons did not extend to the point of absolutely excluding them from the anniversaries and funerals of the chapter, but only from participating in the distributions in such offices." Therefore, only one thing remains to be seen: whether the junior canons present at the anniversaries of the third class have the right to receive the corresponding distributions. The solution to this question depends on the interpretation of the agreement initiated in 1752, especially article eight, which reads: "It will be permitted to the Reverend archpriest and the six older canons, when one of the junior canons does not wish to freely perform their duties, to delegate and substitute one or two priests of their choosing for the anniversaries and stations accepted by the older chapter up to the present day, so that the names of these priests may be present, and they may fulfill their obligation." In this article, the older canons reserved for themselves the emoluments of the anniversaries and stations that had been received up to the time of the agreement, so that they would not be deprived of them even in the case of absence. Although the junior canons have the right to replace the older canons who are not present, they are nevertheless required to perform their work freely. Indeed, the word "freely" must be understood according to its common and obvious meaning, so that it not only excludes a special reward as compensation for the accepted substitution, as the advocate for the junior canons argues, but also any portion of the emoluments; that is, the junior canons who substitute for the older canons should receive absolutely nothing. It is not contrary to justice that he who is substituted for receives the emoluments, and nothing accrues to him who substitutes. For in the first place, the junior canons are not compelled...

[*Latin ed. p. 244*]

244 Acta Apostolicae Sedis - Official Commentary: To supplement the canonical number, if there are absences, but only if they so desire. Furthermore, it is well known that when a bishop establishes a new or new canonry, he must seek the consent of the ancient chapter, and if the chapter gives its consent, it can reserve more things for itself, provided that it does not infringe upon the substance of the canonry. This is commonly taught by the Doctors, for example, Tonduti, Quaestiones beneficíales, chapter 68, paragraphs 13, 14; Scarfantonius, Ad Geccoperium, book I, title -14, notes 35-36, and it is accepted in the Sacred Congregation, as we read in the file of Velletri, Participationis, December 20, 1851, number 8. "In law, there is no ambiguity that a chapter, by consenting to the erection of new canonries, may add conditions that appear consonant with justice, and the Sacred Congregation has consistently approved such conditions. Among

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these, it has justly considered the condition that the new canons do not participate in legacies, anniversaries, goods, and other rights already acquired by the ancient chapter; or that they have neither active nor passive voice in matters pertaining to the interests of the ancient canons alone, as examples are found in Aretina, Erectionis canonicatuum, May 5, 1703, in Alatrina, February 8, 1727, and in Toledo, Archipresbyteratus, February 1, 1766." Furthermore, there are reservations of this kind made by the ancient canons in the convention of the year 1752, especially concerning funerals and anniversaries; it is certain that anniversaries founded before the year approximately 1650, that is, before the erection of new canonries, certainly pertain to the ancient canons, who alone were then in the collegiate church; anniversaries founded after the year 1650, but accepted by the older chapter (these are the words of the convention), also pertain to the ancient canons, because these anniversaries cannot be unless they are the offices of the old chapter, otherwise they would have been accepted by the entire chapter. The voluntary and gratuitous interests of the canons i.p. in the anniversaries of the ancient chapter require, according to the Fathers, two limitations. The first concerns anniversaries founded after the convention of the year 1752. In these, the younger canons must be admitted to the substitution of the older canons, if these are detained by infirmity or other impediment, and to the relative distributions. The reason is not to be sought from the moral unity of the chapter, as stated in the appealed sentence, because the unity of the moral body always remains, even with the exclusion from participation in some emoluments on the part of some canons, as mentioned above, but it must be derived from the words of article 8 of the convention, which is often cited: "up to this day," that is, the canons of the older foundation reserving for themselves the anniversaries founded before the year 1752, implicitly, but truly, concede to the younger canons the anniversaries founded thereafter, according to the rule: "the inclusion of one is the exclusion of the other."

[*Latin ed. p. 245*]

The Sacred Roman Rota, number 245, addresses another matter – and this is also true of manual duties, even though the chapters of the old foundation are now named – which require the faithful to celebrate, on the recurring anniversary of their parents' death, the observances prescribed; for the ancient canons did not reserve these for themselves. Perhaps the older canons wished to reserve only the anniversaries established before the convention, so that, by some means, they might compensate for the not inconsiderable burdens imposed on the younger canons in the aforementioned convention. For these are obligated to provide payment to the custodian, or sacristan, to make offerings for festive occasions, to provide five barrels of white wine, to pay a fee for the panegyric oration on the feast of Saint Peter the Apostle, to cover expenses arising over time for the

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purchase or repair of choir books, for preparing winter fuel, etc. A second limitation must be admitted regarding the funerals of the old foundation, in which canons *in perpetuitate* participate not in place of canons *a fundatione*, who are absent, but in place of vacant canonries. For in this case, there is no reason why those admitted to these duties should be deprived of the corresponding distributions. In the first place, the convention of 1752 is entirely silent on this type of substitution, and the older canons perhaps did not even consider it. Secondly, as we have said above, the number seven must be completed in the aforementioned funerals; that is, the archpriest and six canons must be present, with vacant canonries being filled, and the younger canons succeed them not by delegated right, but by their own right. Therefore, just as in the rescript of the Most Holy Council of 1890, renewed in the years 1897 and 1908, an indult was granted so that the revenues of the vacant canonries might be distributed among the canons of both foundations; so, likewise, and indeed much more so, this should be said regarding funerals, whenever the younger canons participate in place of the vacant canonries. And by this, no prejudice or damage is caused to the senior canons, for they receive their full distributions, and the portion that goes to the younger canons is that which would belong to three older canons, if those canonries were not vacant. Nor should it be said that the portion that would belong to the vacant canonries must be added to the canons of the same foundation. Indeed, here we are dealing with emoluments that are customarily distributed among the present members, and that what is excluded from the right of the canons to increase, beyond the presumed will of the faithful and the intention of the law, is clearly demonstrated in the aforementioned article 8. For the canons *a fundatione* did not establish that they could delegate or substitute others in these anniversaries and funerals, except in order to receive the emoluments to be distributed in those same anniversaries. With all of the above considered, both in fact and in law, We, the undersigned Auditors of Tournon, invoking the name of Christ and with God alone before our eyes, ACT, Volume VII, number 9, May 21, 1915.

[*Latin ed. p. 246*]

We, having assembled for the purpose, sitting in judgment, and having considered the proposed questions, pronounce and declare as follows: Regarding I. Negatively. Regarding II. The aforementioned canons are to be admitted, according to canon law, in the church of the Holy Apostles Peter and Stephen in the town of Bellinzona, in order to complete the number of seven in the anniversaries, offices, and funerals which are called "old chapter" functions, and for related distributions, with the exception only of those offices and anniversaries established before the convention of the year 1752, in which the aforementioned canons, being more recent, shall participate, not in place of the vacant canons, but in the place of canons

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a. f. [absent from their functions], according to the provisions of article eight of the aforementioned convention of the year 1752. Furthermore, we declare that the judicial expenses have been compensated between the parties. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning reforms, of the Council of Trent, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Sacred Roman Rota, on the 5th of March, 1915. William Sebastiani, President. L. £ß S. Seraphinus Many. Franciscus Heiner. From the Chancery of the Sacred Roman Rota, on the 7th of August, 1914. T. Tani, Notary of the Sacred Roman Rota.

SECRETARY OF STATE'S LETTER I TO CARDINAL MAFFI, ARCHBISHOP OF PISA, CONCERNING THE "NATIONAL ORGANIZATION FOR GOOD PRINTING," AND OTHER MATTERS.

Most Reverend and Most Reverend Lord, My Most Excellent, I receive from the Holy Father the venerable charge of informing Your Eminence that His Holiness has gladly brought to Your Sovereign attention the project of the National Organization for Good Printing, which has been presented to him, and [further matters are added].

[*Latin ed. p. 247*]

From the Secretariat of State, number 247, from Your Eminence, and responding to the sentiments expressed by various parties to the Holy Father by distinguished figures in the Catholic field. Considering the pernicious and detrimental propaganda being carried out through anti-religious and sectarian publications, with very grave detriment to the faith, morals, and discipline of Catholics, the August Pope has shown the greatest willingness to grant his supreme support to the aforementioned noble and salutary undertaking, aimed at promoting an intense and progressive dissemination of Catholic thought and sentiment, so that, with orderly harmony of intentions and forces, a barrier may be erected against the spread of anti-religious publications. At the same time, His Holiness, fully understanding the absolute necessity that newspapers, magazines, and periodicals inspired by a truly and deeply Catholic spirit should receive ever greater favor, and also convinced that the National Work for Good Printing presents itself in these times as one of the most effective and most necessary safeguards for achieving this lofty goal, has not only granted his sovereign consent to the establishment of the aforementioned Work, but has also wished to give it a carefully considered Statute and to make it the subject of a special Decree, so that our people may know authoritatively and without doubt what course of action should be followed in this matter of such gravity. Therefore, it is the will of the August Pope that all Catholics, and in par-

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ticular individual priests and individual religious, as well as monasteries, colleges, associations, parishes, and all pious institutions, should consider it their duty to promote the development and solidity of this Work, both by giving to it their name and contribution, and by availing themselves of every suitable opportunity to recommend it, and to procure, together with the esteem that good minds owe it, an ever-increasing dissemination. In issuing this provident Decree, it is the desire of the Holy Father that Your Eminence, to whom the principal merit of this noble initiative is due, should continue to provide her wise and authoritative assistance so that this great and well-harmonized work may be brought to fruition abundantly. In the meantime, I am pleased to inform you that His Holiness, wishing to give Your Eminence a mark of her august satisfaction, and simultaneously desiring to strengthen, through the work now put into effect, those bonds that she herself first had with it in its project stage, has deigned to confer upon her the high title of Honorary President of the same. His Holiness has also appointed as the actual President of the Work, the Reverend Monsignor Francesco Faberi, and does not doubt that the choice of this excellent Prelate will ensure a faithful and diligent inter-

[*Latin ed. p. 248*]

:248 Acta Apostolicae Sedis - Commentarium Officiale. The official commentary of the Holy See on a matter of such serious importance will also guarantee a prosperous, fruitful, and salutary existence for the National Association for Good Printing. Finally, I am very pleased to submit to you, here enclosed, the original text of the aforementioned Decree and the Statutes that Holy Father has prescribed for the new Association; and I have the honor to confirm to you the sentiments of profound veneration, with which I most humbly kiss your hands. From the Vatican, March 30, 1915. Of Your Eminence, your devoted and humble servant, PIETRO CARD. GASPARRI. DECREE. The Holiness of Our Lord, Pope Benedict XV, having received from various quarters recommendations and prayers that an Association be established with the aim of promoting good printing in Italy, in order to stem the pernicious and harmful propaganda that is increasingly being carried out through anti-religious and sectarian publications, to the grave religious and moral detriment of the people, and having given His sovereign consideration to the project of a National Association for Good Printing, which authoritative figures have submitted to Him with filial trust, has graciously deigned to approve the establishment of such an Association and to grant it the following STATUTES: 1. The National Association for Good Printing is established in Italy. The Association is placed under the patronage of St. Francis de Sales. 2. The Association aims to promote the dissemination of newspapers, periodicals, and magazines in order to oppose an intense and progressive propaganda of the Catholic idea to that which, through the

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press, is widely disseminated to the detriment of the Catholic faith, morals, and discipline. 3. To achieve this purpose, the National Association for Good Printing has the following financial resources: a) annual installments of 5 Lire, paid by members; b) extraordinary offerings, donations, and bequests. A member of the Association is one who subscribes for at least one installment and pays it each year. The number of installments for which each member may subscribe is unlimited.

[*Latin ed. p. 249*]

Secretaria Status 249 4. – The Work is directed and administered by a Central Council composed of a President and ten Councillors. The President is appointed by the Holy See and remains in office at the pleasure of the Holy See. The ten Councillors are appointed by the President from a list previously approved by the Holy See; they serve for a period of three years and may be re-elected. Among the Councillors, the President appoints a Vice-President, a Secretary, and a Treasurer. 5. – Each diocesan Ordinary, at the request of the Central Council, shall designate his own diocesan Delegate. After consultation with the Ordinary, the diocesan Delegates shall appoint the parish Delegates. The diocesan and parish Delegates serve for a period of three years and may be re-elected. 6. – It is incumbent upon the Central Council to exercise all powers necessary for the organization and management of the Work. The disbursement of the funds collected shall be made taking into account the importance and the conditions of the newspapers, periodicals, and magazines, after prior approval by the Holy See. 7. – The Central Council meets each year, before the end of March, for the disbursement of funds and for the presentation of a report on the administration, and whenever the President deems it necessary or appropriate. The diocesan Delegates may attend the meeting for the presentation of the report in March. From the Vatican, March 25, 1915. PIETRO CARD. GASPARRI, Secretary of State of His Holiness. TO THE MOST EMINENT AND MOST VENERABLE LEO A. AMETTE, ARCHBISHOP OF THE PARISIANS, CONCERNING THE PARTICULAR BENEVOLENCE OF HIS HOLINESS TOWARDS THE CATHOLICS OF GALLIAE AND THE PONTIFICAL OFFERING OF 40,000 FLORINS FOR THE GALLIC REGIONS DEVASTATED BY THE WAR. Most Eminent and Most Venerable Lord. Your Eminence is not unaware that the disasters caused by the terrible war which spreads its ravages throughout Europe have had a painful impact on the heart of the Holy Father; nor is Your Eminence unaware of how His Holiness has striven to do everything that was...

[*Latin ed. p. 250*]

250 Acta, Apostolicae Sedis - Commentarium Officiale, concerning His power to mitigate the disastrous consequences, without any distinction of

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party, nationality, or religion. However, it is most natural that the solicitude of the common Father of the faithful should be directed, above all, towards those of His sons who show the most fervent respect and affection for Him. Among these, His sons of France deserve special mention, the children of that nation which, rightly, has been called the eldest daughter of the Church, which has always given splendid proofs of its generosity for Catholic works, especially for the missions, and which, at this very moment and for several months, throughout its territory, in the army, in the ambulances and hospitals, and even in the smallest towns, displays brilliant manifestations of faith and piety, which greatly console the Holy Father. Therefore, amidst so much suffering, His Holiness has felt drawn with particular compassion towards certain populations of France, which have been more severely afflicted by the scourge of war, to the point that, despite the efforts of national and universal charity, they still greatly need material and moral assistance. Moved by their sufferings in the depths of His soul, the Supreme Pontiff, while continuing to offer prayers and supplications to the Most High to obtain the end of this era of bloodshed, earnestly implores Divine Providence to grant aid and comfort to this afflicted part of the French people. To these prayers and wishes, the Holy Father desires to add a tangible expression of the affectionate interest He bears towards these unfortunate populations. For this reason, His Holiness has charged me to send, with this letter, to Your Eminence, the sum of forty thousand francs, to be used for their relief; an offering, indeed, far inferior to the extent of the disasters, but which, at the very least, will clearly demonstrate the paternal zeal that, in His august poverty, made even more acute by the difficulties of the present times, the Vicar of Jesus Christ wishes to show to France, His beloved daughter. And since we have learned that there is to be, on Sunday and Monday of next Pentecost, a large collection, for the benefit of the occupied regions, through the efforts of a Committee constituted under the auspices of Your Eminence, the Holy Father is pleased to hope that this act of His liberality may serve as a prelude to the generosity of all the French people, in favor of such a Christian and patriotic initiative. He is happy to think that, in the charity of prayer and offering, He will have as collaborators all His dear sons of France.

[*Latin ed. p. 251*]

The Secretariate of State, 251, under the guidance of their venerable Bishops, the august Pontiff invokes upon them, with all the outpouring of his heart, the abundance of heavenly rewards, and as a pledge of divine favors, He grants to Your Eminence, to the Episcopate, to the clergy, and to all the people of France the apostolic blessing. It is very pleasing to me, most eminent Lord, to seize so opportune an occasion to renew the expression of the deeply respectful sentiments with which I humbly kiss your hands, and remain of Your Eminence, Rome, April 23, 1915. The most devoted and af-

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fectionate servant, PIERRE GARD. GASPARRI. DIARIUM ROMANAE CURIAE SECRETARIAT DI STATO IN THE NAME OF The Holy Father has deigned to appoint: May 6, 1915. — The Most Reverend Cardinal Diomede Falconio, Protector of the Institute of Sisters of the Third Regular Order of Saint Francis, of Oldenburg (Indianapolis). May 7. — Monsignor Giovanni Mac Intyre, titular Bishop of Lamo and rector of the English College, Consultor of the Sacred Congregation of Religious. May 11. — The Reverend Father Augusto Ansuini, of the Society of Jesus, Consultor of the Work for the Preservation of the Faith. May 14. — The Most Reverend Cardinals Raffaele Merry del Val, Francesco Salesio Della Volpe, and Gaetano Bisleti, Members of the Sacred Consistorial Congregation. May 19. — The Most Reverend Cardinal Ottavio Cagiano de Azevedo, Protector of the Institute of Tertiary Franciscan Sisters of the blessed Angelina, of Anzio.

[*Latin ed. p. 252*]

Acts of the Apostolic See - Official Commentary. With Brief Apostolic documents, the Holy Father deigned to appoint: Apostolic Protonotaries, as participants: May 7, 1915. — Mons. Leone Arcand, canon of the cathedral of Trois-Rivières. May 9. — Mons. Giuseppe da Costa Oliveira Pinto, of the diocese of Guarda. Domestic Prelates of His Holiness: May 1, 1915. — Mons. Nazzareno Cignitti, formerly Pontifical Delegate of the Abbey of Subiaco. May 4. — Mons. Beniamino Nardone, coadjutor canon of the Vatican Basilica. May 7. — Mons. canon Pietro Remigio delle Mercedi Barreto, general vicar of the archdiocese of Goa, and Mons. Ganganelli della Pietà Rebello, rector of the seminary of the same archdiocese. May 8. — Mons. Ludovico Claudino Pera, general vicar of the diocese of Damáo. May 8. — Mons. Adalberto Breznay, of the archdiocese of Strigonia. HONORS. With Brief Apostolic documents, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: May 4, 1915. — To the Most Noble Marquis Giuseppe Luigi de Retortillo, residing in Madrid. The Commander of the Order of Saint Gregory the Great, civil class: May 4, 1915. — To the Most Reverend Doctor Giovanni Hochguertel, of the archdiocese of Colonia. May 10. — To the Most Noble Sir Giuseppe Fornari, of Rome. The Commander of the Order of Saint Sylvester the Pope: May 3, 1915. — To the Reverend Professor Primo Acciaresi, of Rome. The Knighthood of the Order of Saint Gregory the Great, civil class: April 29, 1915. — To the Most Noble Giacomo Buscaglia, of Genoa. May 4. — To the Most Reverend Architect Carlo Causin, of the archdiocese of Colonia. May 8. — To the Most Noble Giovanni Cerata, of the archdiocese of Strigonia. May 12. — To the Reverend Advocate Francesco Bersani, of Rome. NECROLOGY. May 10, 1915. — Mons. Carlo Colton, Bishop of Buffalo. May 18. — Mons. Antonio Mutinho, Bishop of Portalegre

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in Portugal.

[*Latin ed. p. 253*]

Year TU - Vol. VII, June 1, 1915, No. 10. OFFICIAL ACTS OF THE APPOSTOLIC SEE. COMMENTARIES. ACTS OF POPE BENEDICT XV. LETTER I TO SERAPHIN, CARDINAL CITE, PRESENTLY VANNUTELLI, SACRISTAN, CARDINAL OF OSTIA, DEAN OF THE COLLEGE OF CARDINALS OF PORTUA, CONCERNING GRIEVOUS ADDITIONS.

Most Reverend Cardinal, It was our intention to convene the Sacred Consistory in the early days of next June, in order to provide for the many churches currently lacking a pastor, and thus to provide a propitious opportunity to discuss other grave and urgent matters concerning the governance of the Church with the Sacred College of Cardinals; unfortunately, however, painful events, known to all, have prevented this. Now, since our words cannot be directed to the entire Sacred College at once, we deem it appropriate to address them to you, Most Reverend Cardinal, and by doing so, to address them to the individual members of the venerable Assembly, of which you are the worthy Dean.

In our first Encyclical, moved by the supreme desire to see the horrendous carnage that dishonors Europe cease, we exhorted the Governments of the belligerent nations, so that, considering how many tears and how much blood had already been shed, they would hasten to restore to their peoples the vital benefits of peace: "Let those who hold the destinies of peoples in their hands listen to us," we said. "Certainly, there are other ways, there are other means by which injured rights may be..." ACTA, Vol. VII, No. 10. — 1-6-1915. 18

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis - Commentarium Officiale « reason: from these, having laid down their arms in the meantime, may they turn to us, sincerely « moved by a right conscience and a willing spirit. It is the charity towards « them and towards all nations that thus makes Us speak, not Our « own interest. Let them not, therefore, allow Our « voice of father and friend to fall on deaf ears. But the voice of the friend and the father, We say with a heart broken by sorrow, was not heard; the war continues to stain Europe, and even on land and at sea, recourse is not taken to means of offense contrary to the laws of humanity and international law. And as if that were not enough, this terrible fire has also spread to Our beloved Italy, causing, unfortunately, even for it, that sequence of tears and disasters which usually accompanies every war, even a fortunate one. While Our heart bleeds at the sight of so many misfortunes, We have not ceased to strive to alleviate and diminish, as far as was in Us, the most grievous consequences of the war. We give praise to God who has willed to crown with joyful success the efforts We have made to obtain from the belligerent nations the exchange of

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prisoners of war unable to perform further military service. In addition to this, We have also recently, with hope of a good outcome, worked in favor of prisoners of war who are wounded or sick, but not entirely unable to perform military service, in order to make their fate less harsh and to facilitate their care. But the needs of the soul, so much greater than those of the body, have especially attracted Our paternal attention. For this purpose, We have granted to military chaplains very broad powers, authorizing them to avail themselves, for the celebration of Mass and for the assistance of the dying, of privileges that can only be granted in very exceptional circumstances. We intend that these powers and privileges should be used not only by the priests who are now called to serve as chaplains in the Italian army, but also by all priests who, for any reason, may find themselves in the ranks of said army. And We implore them, in the bowels of the charity of Jesus Christ, to show themselves worthy of so holy a mission, and to spare no diligence and effort so that the soldiers, in this arduous struggle, may in no way lack the ineffable consolations of religion. The hour we are living through is painful, the moment is terrible; but *sursum corda*. Let us raise our prayers more frequently and more fervently to Him in whose hands are the destinies of nations. Let us all turn with confidence to the sorrowful and immaculate Heart of Mary, sweetest Mother of Jesus and our Mother, so that She, through her powerful intercession,

[*Latin ed. p. 255*]

The Acts of Pope Benedict XV, page 255, record that he implored his divine Son to soon end the scourge of war and restore peace and tranquility. And since, according to the warning of the sacred Scriptures, in order to draw down divine mercies upon the earth, the fervor of prayer must not be separated from the generosity of sacrifice and penance, We exhort all the children of the Catholic Church to practice, together with Us, for three consecutive or separate days, according to each one's choice, a strict ecclesiastical fast; and We grant that this pious practice of Christian mortification may, under the usual conditions, merit a plenary indulgence, applicable also to the souls in Purgatory. May the echo of Our voice reach all Our children afflicted by the immense scourge of war, and may it persuade them all of Our participation in their pains and sorrows, for there is no pain of a son that does not reverberate in the heart of the father. In the meantime, to you, Lord Cardinal, and to all the members of the sacred College, We impart, with an abundance of paternal benevolence, Our apostolic blessing. From the Vatican, May 25, 1915. BENEDICT XV.

TO ANDREW CARDINAL FERRARI, ARCHBISHOP OF MILAN, CONGRATULATIONS ON THE TWENTY-FIFTH ANNIVERSARY OF THE BEGINNING OF HIS EPISCOPAL OFFICE.

Beloved Son, greetings and apostolic blessing.

It has been brought to Our attention that you have completed twenty-

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five years since the beginning of your episcopal office, and although your modesty and the sorrowful image of this war have led you to abstain from all external joy, the piety of these young clerics could not be restrained, and the significance of this is made all the more pleasing by the letters that we know have been presented to you. We are greatly pleased with this "new examination, a flower of your honor and a fruit of your labors," and we gladly join our efforts to those of them in these letters. Indeed, Our voice cannot remain silent in the joy of this devoted son, who has diligently and faithfully served in his episcopal duties for five years. And this, indeed, is the reason why congratulations alone are not sufficient.

[*Latin ed. p. 256*]

256 Acta Apostolicae Sedis - The official commentary suggests to us, not only charity, but also the most fervent wishes, that He, who has appointed you a bishop, may fulfill them so that He may preserve the church of Mediolanensi as a good shepherd for as long as possible, and most happily. With these wishes, as a testament to Our benevolence, We add Our apostolic blessing, which may bring to you, Our beloved Son, and to your entire clergy and people, an abundance of heavenly graces, which We desire with the greatest eagerness for each and every one. Given in Rome, at St. Peter's, on the fifteenth day of April, in the year 1915, in the first year of Our pontificate. BENEDICT XV. To LUDOVIC N., Cardinal, Archbishop of Quebec, We offer Our congratulations on the occasion of his episcopal jubilee. Beloved Son, greetings and Our apostolic blessing. — We still remember the signs of joy and the testimonies of devotion with which the clergy and people of your diocese embraced you, both when you were beginning your fiftieth year of priesthood, and when you returned to Rome shortly thereafter, honored with the sacred purple: and just as We then observed how you flourished among your people through your virtue and teaching, so now We believe that those same people will see with what joy you approach the twenty-fifth anniversary of your episcopal ministry. Although it may be that your thoughts are occupied, either by the struggles caused by the harsh times in Europe, or by the happiness caused by the fortunate events in this country, We nevertheless believe that these solemnities, which have been announced to you, will mean a great deal to you, and that Our love for you will be all the more evident, if We could be present with you in person during those days. Therefore, it was Our intention to express ourselves through these letters; for We wish them to be not only a testament to Our benevolence to you, but also messengers of congratulations and wishes: with these, to show how highly We value the abundant fruits of your excellent work; and with these, to let you know with what eagerness We hope that, with the addition of new years and new strength, these will become even greater, for the greater glory of God and the salvation of souls. We wish to add a special wish. May it be that the

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pastor and flock of Quebec, whom charity binds together so closely for the same cause of joy, and who are united by the same homeland, and the same crown of glory, may one day rejoice together in heaven.

[*Latin ed. p. 257*]

Acta Benedicti PP. XV 257. That this may come to pass according to our intention, We impart to you, our beloved Son, and to your entire clergy and people, our apostolic blessing, through the intercession of the heavenly Queen of Graces and witness of our love. Given in Rome, at St. Peter's, on the twentieth day of April, in the year 1915, in the first year of Our Pontificate. BENEDICT XV. To the Archbishops and Bishops of AUSTRALIA, giving thanks for the buildings acquired and constructed by the Apostolic Delegate. Venerable Brothers, greetings and the apostolic blessing. — To Our Predecessor, the most holy Pope Pius X, who established the Australian Legation, it was certainly his intention not only to provide better governance for your churches, but also to demonstrate, in a manner not entirely obscure, the esteem in which the distant land of AUSTRALIA is held in the judgment of the Apostolic See, and to honor those Catholics of AUSTRALIA, and to make them feel, as it were, closer to the same ministry. The signs of joy and devotion with which the citizens, and especially the clergy, following your example, have greeted the arrival of the Apostolic Delegate, clearly show that the Catholics of AUSTRALIA have gratefully received the benefits of the Holy See, and that they desire to foster and protect them in the future with diligent zeal. We are confident that many and precious benefits will accrue to your churches and to your states from this. For, being more closely united with the Apostolic See, they will receive more fully and abundantly the benefits that the Catholic religion offers to peoples. With this most desirable happiness in mind, we understand how much is due to the Apostolic Delegate for the charity and prudence with which he is beginning his work under such favorable auspices among you. Not only do we see that he is able to carry out his duties more efficiently and readily through your studies and services, but also that he has been provided with a dwelling, which your generosity has wished to be his own. In these matters, we have seen not only a not inconsiderable testimony of your piety towards Us, but also a diligent will, with which you hold fast to the stability of the Apostolic See, and at the same time...

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis - We have desired to consult with those who hold positions of importance concerning the affairs of Our representation among you. We acknowledge and offer our thanks to you all, venerable Brothers, and in particular to the Archbishops of Sydney and Melbourne, whose efforts have been most active, both in preparing for the visit of Our Legate and in providing for the buildings and institutions intended

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for him. May the witness of Our benevolence be the apostolic blessing, which We impart with heartfelt affection to you all, venerable Brothers, to the clergy and to the people of your respective dioceses, through the intercession of the heavenly Queen of Graces. Given at Rome, near St. Peter's, on the twenty-third day of April, in the year 1915, in the first year of Our Pontificate. BENEDICT XV. TO THE MOST REVEREND FATHER, DOM MICHAEL F. KORUM, BISHOP OF TRE VIRĒNSE, GRATITUDE FOR MOST DEVOUT LETTERS AND FOR THE CONTRIBUTION TO THE PETRIAN FUND. Venerable Brother, greetings and the apostolic blessing. — What you express in writing, We have often felt ourselves, namely, that this long and bitter war has taken away from Us the ability to speak with those whom We hold most dear, and to alleviate their cares and refresh their spirits with the sweetness of mutual affection. However, We wish you to understand this: nothing in your absence from office has detracted from your letters; rather, that very expression of goodwill, which your letters convey from beginning to end, has brought us great joy. It scarcely needs to be said that it has been most welcome to Us. We know that you devote yourself above all to those whom the Provident God has given to Us as companions and helpers in the apostolic ministry; We know that you are a good soldier of Christ, and that you diligently promote the charity of Christ, and that you temper your counsel with prudence. And to this praise, if we may add that you have also shown yourself to be an example of obedience to the Apostolic See, you see that there is nothing that Our affection desires of you. Moved by this, We offer you, as is fitting, Our heartfelt thanks for the contribution to the Petrian Fund; and We desire that the fruit of this be the apostolic blessing, through the intercession of the heavenly Queen of Graces.

[*Latin ed. p. 259*]

Acts of Pope Benedict XV, 259: We gladly bestow these gifts upon you, venerable Brother, for your clergy and people, whom the harsh times of the community and prolonged grievous illnesses have afflicted, and we offer them with the greatest pleasure. Given in Rome, at St. Peter's, on the twenty-fifth of April, 1915, in the first year of Our Pontificate. BENEDICT XV.

TO FRANCIS, GARDINER DE BETTINGER, ARCHBISHOP OF MUNICH AND FRIZING, AND OTHER BISHOPS, OFFERING GRATEFUL ACKNOWLEDGMENT FOR THE COMMUNAL LETTERS FULL OF DEVOTION.

Beloved Sons and venerable Brothers, greetings and the apostolic blessing.

We have read with great pleasure the communal letters which you recently sent to Us, both because of the significance of your office and of your humanity, which we have greatly appreciated, and also because of the hope that you have brought Us of better things; as you write, the renewed

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popular piety is urging this more widely, even in your dioceses.

Indeed, it will certainly be so that, with God's help, the calamities of this cruel war will be turned to good; and it is scarcely necessary to say that this will happen all the more abundantly, the more diligently your charity watches over it. In the meantime, you have acted very prudently in urging the faithful of your dioceses, in accordance with Our will, to persevere in prayer, for, as you well know, constant supplication is very powerful; and we are confident that, through common prayer, the common good will be obtained, and that God will grant the desired peace, so that He may bestow His gifts in such abundance that the afflicted peoples of Europe may dwell in His fullness for a very long time.

May the apostolic blessing, an anticipation of divine graces, be with you, beloved Sons and venerable Brothers, and may we impart it to you all, to your clergy and to each of your faithful, with fervent love in the Lord.

Given in Rome, at St. Peter's, on the third of May, 1915, in the first year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 260*]

260 Acta Apostolicae Sedis - Official Commentary VII. TO THE REVEREND FATHER SILVERIUS, OF THE SACRED ORDER OF CARMELITES CALCEATED, OFFERING GRATITUDE FOR THE FIRST VOLUME OF THE WORK "BIBLIOTHECA MISTICA CARMELITANA." Beloved Son, greetings and the apostolic blessing. — It was fitting that you undertake the publication of the writings of distinguished members of your Order concerning mystical and ascetic matters; and it is certainly proper that you include the writings of Saint Teresa, the most blessed Mother. For she is the Virgin of Ávila, who speaks so copiously about Christian perfection, and with such insight follows the wondrous ascensions of divine grace in the souls of the just, that she may serve as a guide and teacher to others in demonstrating the way of virtue and a higher life. Therefore, we congratulate you on this work, a product of considerable labor, and we consider it a most commendable and auspicious undertaking. And if, as we confidently expect, this work will also receive the praise that such endeavors deserve, through the prudent selection of material for dissemination and the useful inclusion of annotations, we will consider that you have diligently striven to achieve both objectives, namely, the good of your neighbors and the not insignificant glory of your religious Order. In the meantime, we offer you our heartfelt thanks for the first volume of the work, and we impart the apostolic blessing, the heavenly conciliator of aids, that you may have the strength to complete it. Given at Rome, near Saint Peter's, on the eighth day of May, in the year 1915, in the first year of Our Pontificate. BENEDICT XV. VIII. TO THE REVEREND FATHER FRANCIS VIDO, GENERAL PREFECT OF THE SOCIETY FOR ASSISTING THE SICK. ENCOURAGING THE MEMBERS TO PERSEVERE IN THEIR

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WORK. Beloved Son, devout man, greetings and the apostolic blessing. — Now that this Apostolic See has again approved the Constitutions of the religious family, of which you are the head, according to the more recent decrees, it is certainly not doubtful that all your members, with you leading the way,

[*Latin ed. p. 261*]

The Acts of Pope Benedict XV, page 261, state that they may, as if under renewed auspices, diligently apply themselves to those things which pertain to their profession. However, we consider it necessary to urge you to this very thing; for we are moved by the spectacle of so many and such great miseries, which, along with all good things, require your assistance and beneficence, especially. For you, by the law of your most holy Founder, Saint Camillus, which is confirmed by the vow of your religion, are bound by these most excellent works of charity: to care for the sick, both in body and spirit, in hospitals; to assist those who are sick at home, especially in preparing them well for death; to be diligently and cautiously present with them when it is necessary for their health; and finally, to be diligent in attending to those who have been afflicted by the plague and other dangerous illnesses. It is known that no one has failed to diligently perform these duties when the occasion demands; but it has become known that in this most cruel war, your charity has shone forth most brightly, as you have ministered to a great number of the wounded, both among yourselves and in military hospitals. Therefore, continue to do what you do spontaneously, and, encouraged by our exhortation, strive to do it even more diligently. Thus, the best fruit will result from the secular ceremonies which you have recently celebrated in honor of the Lawgiver, the Father. For nothing would have been more pleasing to Him than that His disciples should inviolably observe His own Constitutions, as is declared in the letter which He wrote to them all just before His death: and the words of that letter, like a paternal testament, will be kept in pious and holy memory by you, all of you, members of the Camillian Order. – We, as a pledge of divine benefits and as a witness of Our benevolence, impart to you all, and especially to you, beloved Son, virtuous man, Our most loving apostolic blessing. Given in Rome, at St. Peter's, on the twenty-ninth day of the month of March, in the year 1915, in the first year of Our Pontificate. BENEDICT XV, POPE.

[*Latin ed. p. 262*]

262 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION CONSISTORIAL. ERECTION OF A MITRED ABBEY. Our Most Holy Lord, Benedict XV, by a consistorial decree of April 27, 1915, elevates and establishes the parish church of the town of Montichiari, in the diocese of Brixiensis, dedicated to the Blessed Virgin Mary, to the dignity and honor of a mitred abbey, as is commonly said. Furthermore, he adorns

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and honors with the title of abbot, along with its own privileges and insignia, the "parish priest for the time being," in the same manner and with the same terms as those enjoyed and possessed by another mitred abbot outside of the urban locality of Rovaio, always observing the laws that must be observed, and the sacred canons, and the prescriptions of the Sacred Congregation of Rites, and also this law: that the mitred abbot of Montisclarensis may only perform the sacred pontifical rites, or be present pontifically, in his own parish church, and also in the other church of Saint Pancratius the Martyr, on the solemn day of the same feast.

SACRED CONGREGATION OF THE COUNCIL OF GERUNDA. DISTRIBUTION OF CHORAL REVENUES. February 20, 1915. Case Presented. - During the recent vacancy of the episcopal see of Gerundensis, a controversy arose concerning whether the capitular vicar, while absent from the choir due to the exercise of his office, is entitled to the daily distributions, which are called "chorales." The capitular vicar stated that in several dioceses of Hispaniae, it is regularly observed that a canon, who has been elected by the chapter to the office of capitular vicar, is considered present, even though he does not participate in the choir, so that he may not only receive the revenues of his prebend, but also the daily distributions.

[*Latin ed. p. 263*]

Sacred Congregation of the Council, 263, "regarding distributions among those present only"; however, it added that in the diocese of Gerunda, this practice had only been followed by the last chapter vicariate, which certainly is not sufficient to establish a legitimate custom. Having established the custom, "although this practice *appears* equitable and suitable, since the assistance of the choir and the divine offices, together with the administration, greatly burdens the vacant church," nevertheless, the law concerning it, even according to the interpretation of doctors, appeared doubtful and uncertain to the orator, since no authentic decision of the Sacred Congregation is presented, and there is great disagreement among interpreters on this matter; therefore, in order to proceed more prudently, he respectfully submitted these doubts to the Sacred Congregation, namely: I. Whether the aforementioned custom and practice, as it is said to have been used in several dioceses, can be maintained. II. Whether, at least, it is permissible for the chapter vicariate, on days and hours when he is occupied in the administration of the vacant church, to be absent from the choir, losing the distributions among those present only. Observations. - The first doubt, as far as it concerns, does not seem to require discussion. For it pertains to other dioceses, whose practice we do not know in its true nature, nor do we know the reasons for which this custom has been introduced in them; therefore, a judgment should be given without hearing the parties involved, which is improper. The second doubt, however, since it pertains to a completely generic controversy, only

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those things are noted that are commonly presented by doctors on both sides. Regarding the jurisprudence of the Sacred Congregation, only the case of Ascoli, concerning the visitation of the diocese and distributions, of May 8, 1683, is mentioned in Pallottini (Collectio Resol., under the heading Vicarius Cap., § III, n. 19), but the second doubt, which pertains to our matter, is dismissed with the response "Dilata." Those things which sometimes occur in the documents, e.g., in Ascoli, July 29, 1848, and in Mexican, January 24, 1857, are certainly not of such authority as to suffice to resolve the question. The main argument that is commonly presented by those who assert a disputed right for the chapter vicariate is taken from chapter one, Boniface VIII, De cleric. non resid., in the sixth, where the reasons for excusing oneself from the choir, according to the general principle, are defined as: "infirmity, or a just and reasonable necessity of the body, or evident utility to the church." Furthermore, they say that the reason of evident utility to the church most benefits the chapter vicariate, who, when the see is vacant, almost single-handedly sustains the administration of the diocese, which, when the see is filled, is managed by the bishop, with the assistance of the general vicar. And they compare...

[*Latin ed. p. 264*]

Acta Apostolicae Sedis - The official commentary establishes that those instituted with this title, along with others who hold it for the benefit of the Church, whether present or absent, receive distributions, for example, with a procurator of the chapter in legal matters or lawsuits, with a theologian and confessor who teach in the seminary, with a vicar curate while the parish priest attends to the care of the parish, and indeed, with a canon who accompanies the bishop in the visitation of the Holy See, and they can easily persuade themselves that these offices are far more useful, indeed, absolutely necessary, for the administration of the entire diocese, which is the responsibility of the vicarius capitularis (cf. from the older doctors, many of whom are praised by Ferraris, see Vicarius Cap., art. I, n. 50; from more recent canonists, Bouix, De capit., p. III, cap. II, § 13; Gennari, Cons. canon., XIV, n. 6; Wernz, Ius decret., II, tit. XXXVI, n. 139, etc.).

Against this interpretation of the aforementioned chapter, the common understanding of the benefit of the Church in this case is opposed, namely, the benefit of the Church to which the distributions belong, or the benefit of the benefice (cf. cited Asculan., July 29, 1848). In this, even many of those who hold a favorable opinion of the vicarius capitularis agree, for example, Garcia, who writes (De benef., p. III, c. 2, n. 342): "For the acquisition of these [fruits] in the absence of the beneficiary, 'it is not sufficient that there be a benefit to the Church or diocese in general; but a specific benefit to the Church of which the fruits are in question' is required"; and therefore, they argue that the vicarius capitularis "is considered to be in the service of his Church, since it is more advantageous to the Church to have jurisdiction

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delegated to him than to have it exercised by the entire chapter" (Garcia, l.c., n. 358), and they argue by comparison with the vicar curate: just as the vicar curate, in place of the chapter, cares for the good of the parish, so the vicarius capitularis, in place of the chapter, cares for the good of the diocese.

But it is replied, with Passerinio (in h. cap.): "The vicarius capitularis indeed acts as a representative of the chapter, but to the extent that he is a successor in the jurisdiction of the bishop, and he does not act for the benefit of the cathedral church or chapter as a special church, but acts for the benefit of the episcopal diocese; and therefore, just as a canon does not receive distributions if he is not present, so much less does he receive them for the same reason, the vicarius capitularis."

However, the vicar curate and all others who are often cited in comparison with the vicarius capitularis, although they exercise a much less necessary function, nevertheless act for the benefit of the chapter to the extent that the chapter is a chapter or a special church; or they receive distributions by a special privilege or indult granted by the Roman Pontiff, as, for example, a canon who accompanies the bishop in visiting the Holy See. Therefore, the asserted equality is not valid.

But, the most important argument for denying the vicarius capitularis the disputed right is derived from the fact that to the same vicarius, for the very reason of his office...

[*Latin ed. p. 265*]

265 The Holy Congregation which governs these matters, should assign, or at least ought to assign, a suitable stipend. Indeed, according to the sanction of canonical law and the practice of the Holy Congregation, no canon, absent from the choir due to the office entrusted to him, receives the daily distributions, but rather receives a suitable stipend for said office; cf., for example, Carthaginen., April 11, 1891, concerning the theological canon; therefore, the same should be considered regarding the capitular vicar (cf. also this negative opinion, MonacèlL, Moneta, Barbosa, etc., apud Ferraris, 1. c.; d'Annibale, Summula, vol. III, n. 181, note 41). With these considerations made, the question was raised as to how the doubts proposed by the capitular vicar of Gerunden should be dismissed. Resolution: The Holy Congregation of Rites, in the plenary assemblies of the Most Reverend Fathers held on February 20, 1915, after mature deliberation, decided that the following should be answered: To I. It is not proposed. To II. In the opinion of. The opinion is: "The capitular vicar, in this case, while engaged in his office, is excused from the choir, but receives only the fruits of his prebend, and not the daily distributions." Having made the above, the Most Reverend Lord Benedict, Divine Providence, Pope XV, having received a report through the undersigned Secretary of the Holy Congregation, His Holiness, in an audience on the 22nd day of the same month and year,

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approved the resolution of the Most Reverend Fathers. O. GIORGI, Secretary. SACRED CONGREGATION OF RITES. DECREE: CERTAIN VOTIVE MASSES ARE PERMITTED DURING THE PRESENT WAR. At the request of several Bishops, the Sacred Congregation of Rites, by virtue of the special faculties granted to it by the Most Holy Lord Benedict XV, Pope, benignly granted that, during this war, chaplains of the military in the camps or those held captive, as well as their assistants and other priests fighting in battle, may duly read on Sundays and feast days of the Lord and their Octaves, the Mass of the Holy Trinity, in Castro de Ordiales.

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis - Official Commentary. For other feasts of the First or Second Class, from Pentecost to Advent, the Mass of Saint Mary shall be celebrated; in either case, with the Gloria and the Creed, and with the prayer for the time of war. On the other days, however, the aforementioned chaplains and priests may celebrate either the Mass of the Blessed Virgin Mary with the prayer for the time of war, or the Mass for the time of war with the prayer of Saint Mary, or the Mass for the Requiem. All contrary decrees notwithstanding. April 15, 1915. A. CARD. VICO, Pro-Prefect. L.i$iS. Petrus La Fontaine, elected Patriarch of Venice, Secretary.

II. CONSTANTINOPLE. DECREE FOR THE INTRODUCTION OF THE CAUSE OF BLESSEDNESS OR DECLARATION OF MARTYRDOM OF THE SERVANT OF GOD, DER GOMIDAS KEUMURGIAN, ALSO KNOWN AS COSMAS OF CARBONIANO, ARMENIAN PRIEST AND PAROCHIAN.

In Constantinople, born in the year 1656, of a noble family, Der Gomidas Keumurgian, also known as Cosmas of Carboniano, endowed with good morals from his youth, and under the guidance of the prelate and master Menna of Antep, learned not only the Armenian language and the humanities, but also philosophy and theology. Having become a man, he married an honest woman named Nymph. Soon, excelling in probity and knowledge, he was raised to the priesthood by the Bishop Cyriacus, primate of Tocat, and assigned to the clergy of Constantinople, and he resigned from the office of archpriest of the church of Saint George in Sulumanistiri. Diligently fulfilling this office, he devoted much time to reading diligently the books of the Holy Scriptures and the commentaries of the Fathers, from which he imbibed the true and holy doctrine of Christ, so that, with the help of God's grace, he decided to embrace, profess, and spread the Catholic religion in mind and affection, and he accomplished this willingly and gladly. This caused such hatred for the Servant of God among the adversaries of the Catholic Faith, especially among those who dared to condemn the Council of Chalcedon itself and the Supreme Pontiff Leo, that they

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subjected him to insults...

[*Latin ed. p. 267*]

The Holy Congregation of Rites, in its decree 267, had inflicted severe punishments upon him with lashes. Terrified by their threats and machinations, he fled to Jerusalem, as warned by the Gospel. However, confident in the solemn promise of his adversaries, namely, that the Catholic religion and those who profess it would be observed in freedom and tranquility, he returned to Constantinople not long afterwards. But soon, the storm subsided; indeed, the hatred of his adversaries increased, and a more bitter war was waged. He was secretly captured, thrown into prison, subjected to accusations, torments, and unjustly condemned by a judge, and finally beheaded on November 5th, 1707. News of his sanctity and glorious death spread immediately, and yet, until this time, no formal investigation had been instituted concerning these matters. However, as this fame grew, especially among the Armenian Catholics, at the request of the Reverend Father John Simeoni, the promoter of the cause, a decree was granted by the Most Holy Pope Pius IX on September 2nd, 1862, by which, in this cause, in place of a formal investigation, testimonies, authentic documents, and other documents relevant to the matter should be collected, for all legal purposes, especially those preserved in the records of the Sacred Congregation of Propaganda Fide. To carry out this work, which was suspended for several years for various just reasons and later resumed, at the urging of the Reverend Father Paschal Rubian, titular Archbishop of Amaseno, who succeeded the Reverend Father Anthony Hassun, the primary promoter of the cause, by a decree of the Sacred Congregation of Rites on August 14th, 1906, the power was granted to the Reverend Father Alexander Verde, the Promoter of the Holy Faith, to conduct, in Rome, together with the Sub-Promoter of the Faith and through the records of the aforementioned Sacred Congregation, a special compulsory investigation. This investigation was indeed initiated and completed, and presented to the same Sacred Council, together with the ancient formal investigation, which was adorned in Rome in the year 1710 and recently discovered; with documents appended to both investigations. Finally, at the request of the Reverend Father Peter Kojunian, Archbishop of Chalcedon, of the Armenian rite, and the current promoter of the cause, and after considering the letters of the Illustrious and Most Reverend Lords, the Patriarch of Cilicia of the Armenians, and other Most Reverend Archbishops and Bishops, as well as the parish priests and other clergy and prominent men of Armenia, the Most Eminent and Most Reverend Lord Cardinal Jerome Gotti, the Promoter or Relator of the same cause, proposed the following question to be discussed at the Ordinary meetings of the Sacred Congregation of Rites, convened at the Vatican: "Should a commission be appointed to introduce the cause, in the case and for the purpose in question?" And the Most Eminent and

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Most Reverend Fathers entrusted with the sacred rites, after hearing the report of the Most Eminent Relator, and after hearing the Reverend Father Alexander Verde, the Promoter of the Holy Faith, both orally and in writing, and after considering all matters, they decided:

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis – It was deemed necessary to write a commentary: The affirmative vote, or the Commission, is to be signed, if it pleases the Most Holy [Father]. August 11, 1914. The following facts came to pass concerning this. Our Most Holy Lord Benedict, Pope XV, through the Cardinal Prefect Pro-Prefect of the Sacred Congregation for Rites, received a report, and His Holiness, having approved the decree of the aforementioned Sacred Congregation, deigned to sign with his own hand the Commission for the introduction of the cause of beatification or the declaration of martyrdom of the aforementioned Servant of God, Der Gomidas Keumurgian, also known as Cosmas of Garboniano, an Armenian priest, on May 1, 1915. ANTONIUS CARD. VICO, S. R. C., Pro-Prefect. L. % S. Philippus Can. Di Fava, Substitute. SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS CONCERNING THE FACULTIES OF CHAPLAINS OF THE BELGIAN ARMY. From an audience with His Holiness, May 4, 1915. His Holiness, Our Lord Benedict, by divine providence, Pope XV, granting the prayers of the Reverend Father Peter Francis Xavier Temmerman, chaplain of the Belgian army, after the Secretary of the Sacred Congregation for Extraordinary Ecclesial Affairs had presented them, graciously granted that the chaplains of the Belgian army, both principal and assistant, may, provisionally, that is, until this present war ceases, enjoy all and each of those faculties which the chaplains in the French army currently enjoy, both by virtue of the Apostolic Brief *Quae catholico nomine* issued by Pope Pius IX on July 6, 1875, and by virtue of the declaration made to the Archbishop of Rheims, His Eminence Cardinal Luçon, by Pope Pius X, of blessed memory, on September 14, 1913. Furthermore, the Most Blessed Father grants to the same chaplains of the Belgian army the power, provisionally, that is, during the time of this war, to bless crowns, rosaries, crosses, images of the crucifix, and icons.

[*Latin ed. p. 269*]

269 The Sacred Mountain [of] Rome possesses small statues of Our Lord Jesus Christ, the Blessed Virgin Mary, and the Saints, and coins, to which all the indulgences listed therein are applicable, as published by the aforementioned Holiness, by the Holy Congregation of the Holy Office on September 5th of the year 1914, and also to attach the indulgences called those of Saint Bridget to the aforementioned objects. These are not impeded by any contrary decrees, specifically those established by the "Motu Proprio" of April 7th of the year 1910. Given in Rome, from the Secretariat of the afore-

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mentioned Holy Congregation, on the day, month, and year mentioned above. Eugenius Pacelli, Secretary.

IN THE JURISDICTION OF FLORENCE, under the blessed reign of Pope Pius X, in the tenth year of his pontificate, on May 20th, 1914, the Most Reverend Fathers, Aloysius Sincero Ponens, Joseph Mori, and Frederick Cattani, Auditors of Tournon, in the cause of Florence concerning rights in tombs, between the Reverend Father Angel Ciuffi, pastor of Saint Felix of Ema, the appellant, represented by his lawful procurator, Father Nazarenus Patrizi, and the Confraternity of Saint Mark and the Blessed Virgin Mary of the Annunciation, the appellee, represented by his lawful procurator, Vincent Sacconi, rendered the following incidental judgment concerning the sequestration of a certain sum.

While the litigation is pending in the court of appeal concerning the right in the tomb between the Reverend Father Angel Ciuffi, pastor of the place of Saint Felix of Ema, and the Confraternity of Saint Mark and the Blessed Virgin Mary of the Annunciation, the pastor requested that a certain sum, which is held by the aforementioned Confraternity, be subjected to sequestration, considering his credit arising from an undue debt owed by the Confraternity. The Confraternity, for its part, and through a counterclaim, requested that the profits which the pastor retained from the year 1908 be subjected to sequestration, as well as a certain sum for which the pastor is indebted to the Confraternity.

[*Latin ed. p. 270*]

270 Acta Apostolicae Sedis - Commentarium Officiale: He himself acknowledged this through a document, dated August 13, 1905. Hence, the incidental question that now arises for us to define, under the proposition and concordant doubt, is: In what circumstances, and in whose favor, is sequestration permissible? The law pertaining to this matter states that sequestration, whether it concerns the object of the dispute or litigation, or its fruits, or even another object, deposited with a third party (Reiff., II, XVII, 2; Lega, De iudic, I, n. 601), is divided into conventional and necessary, or judicial, sequestration. Judicial sequestration, which is granted upon the petition of a party, is further divided into sequestration of the object of litigation, which is simply judicial sequestration, and sequestration of another object for the preservation of one's rights (Reiff., ib., n. 12). This latter type of sequestration is what the new civil laws call "sequestration conservativa" (conservative sequestration). It is important to distinguish this sequestration from the "cautio" or "satisdatio" that is called for in court, which is regularly a legal remedy to avoid sequestration itself (Reiff., cited, n. 39). Indeed, sequestration, in general, and especially properly called judicial sequestration, and particularly conservative sequestration, are generally disfavored in both civil and canon law (Reiff., cited, n. 15 and 16), and are admitted only in certain cases, when equity so dictates, namely, generally

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speaking, in cases of danger of flight, dissipation, or squandering of assets or their fruits (Reiff., cited, n. 17 et seq.) on the part of the debtor, and provided that this remedy is necessary to preserve the object of the litigation or the rights of the creditor (arg. Lega cited, n. 609). As for the facts of the case, it is not entirely clear what the parish priest is seeking to have sequestered, under what title, and in whose favor; therefore, his request may be rejected outright. However, the parish priest does not demonstrate the necessity of sequestration. The fact that the confraternity, with malicious intent and unjust vexations, persecuted the parish priest and the corrector of the confraternity, and that it is currently not fulfilling its obligations as prescribed by its statutes, is entirely irrelevant. Furthermore, the danger of dissipation and squandering is sufficiently excluded by the report of the Florentine curia itself. Moreover, the Ordinary is able and should provide for all of these matters, according to his office and duty (D'Annib., I, n. 44). Conversely, the confraternity does not prove the danger of dissipation or squandering on the part of the parish priest. It should also be noted that the parish's benefits provide sufficient resources to assist in this case, and to address the confraternity's legal action.

[*Latin ed. p. 271*]

The Roman Rota, 271. Having therefore considered these matters, both in law and in fact, and invoking the name of Christ, We, the Auditors from Tournon, sitting for the tribunal and having only God before our eyes, declare and pronounce, in response to the proposed doubt: Negatively, etc. Aloysius Sincero, Presiding. Joseph Mori. Frederick Cattani. L. & S. From the Chancery, May 20, 1914. Sac. Tani, Notary. Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 26th of February, 1915, the Most Reverend Fathers Aloysius Sincero, Presiding, Joseph Mori, and Frederick Cattani, Auditors from Tournon, in the cause of Florentina-Iurium in sepulcris, wherein the Reverend Angelus Ciuffi, parish priest of St. Felix of Ema, of the Florentine diocese, having convened the meeting, represented by his legitimate attorney, Advocate Nazareno Patrizi, and the Sodalitas S. Marci et Ssmae Annuntiatae, canonically erected in the same parish, the appellee, represented by his legitimate attorney, Advocate Vincent Sacconi, pronounced this final judgment. 1. The controversy arose between the Reverend Angelus Ciuffi, parish priest of St. Felix of Ema in the Florentine diocese, and the Sodalitas S. Marci et Ssmae Annuntiatae, canonically erected in the same parish, concerning rights in certain private tombs, constructed in the form of a columbarium, as they claim, in the cemetery of the same parish. The Florentine court settled the matter with a judgment rendered on June 8, 1912, the dispositive part of which is as follows: "It must be maintained for the benefit of the company of St. Felix of Ema its 'possession of the rights acquired by the contract of August 21, 1871, and by subsequent 'conventions, up to the present time, and which

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have been exercised for more than 'thirty years without dispute. Therefore, the privileged tombs 'constructed up to this point, and which, arbitrarily preventing any 'intervention by the ecclesiastical authority, are now being 'constructed in the cemetery of St. Felix of Ema, are the 'common property of the parish priest of that church, and of the 'company of St. Mark and the Most Holy Annunciation existing 'therein; and the burdens, expenses, and works pertaining 'thereto shall be borne jointly."

[*Latin ed. p. 272*]

272 Acta Apostolicae Sedis - Official Commentary "regarding ordinary and extraordinary maintenance, and for the common benefit, the revenues being reserved, saving the rights of third parties, according to reason. "And since all negotiations conducted to date for new additions to the cemetery have been carried out in the name of the parish and the company, and the exclusion of either party would be an express violation of the peaceful possession of the rights of both, we order and decree that even the new burial plots, which are being arbitrarily constructed as part of the aforementioned cemetery, shall be subject to the same condition of perfect equality and communion between the aforementioned Reverend Rector and his successors, and the same company, compensating them meanwhile and in a separate setting with just accounting, for an equal portion of the expense, according to justice. "In accordance with this our resolution, the Reverend Rector, Angelo Ciuffi, must render an account of the administration of the aforementioned cemetery from March 30, 1908, to the present day and to the day of the execution of this sentence, settling the account with the company regarding this matter, according to justice. "Finally, we order that henceforth the rules and regulations established by mutual agreement between the aforementioned Reverend Rector, Angelo Ciuffi, and the aforementioned company in the meeting of June 26, 1906, shall be reinstated and observed with punctuality for the administration of the aforementioned cemetery, with the understanding that, ratifying the new expansion, the deed of association between the parish priest and the company, drawn up on August 21, 1871, by the Reverend Doctor Pietro Gobbo, renews and confirms the state of common interest between the two parties regarding the privileged burial plots already constructed, and those that were then, or in the future may be, intended to be constructed as a complement to the general plan of the cemetery, which cannot be considered or regarded as anything other than a single, indivisible entity. "These rules, while constituting a new, ever-valid agreement, serve to corroborate or even renew the old, private association between the Rector and the company at a time so close to the abrupt declaration by the aforementioned Rector, who denied this right; we believe that, if observed with honesty, they are sufficient to maintain peace and harmony between the two parties for the benefit of all." 2. Against this judgment, an appeal was lodged by the parish priest,

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Angelus Ciuffi; therefore, the case now comes before us to be decided on the following agreed-upon points between the parties: "Whether, by what title, in what measure, and with what obligations, the association...

[*Latin ed. p. 273*]

The Roman Rota, number 273, concerning the matters of Saint Mark and the Most Holy Annunciation, should participate in the revenues of the old and new cemeteries, if the case warrants.

II. Whether the revenues previously received should be returned to the sodality or to the parish, and whether damages should be compensated, if the case warrants.

III. From whom, in what manner, with what measure, and under what precautions, should the administration of the revenues be carried out, if the case warrants.

3. The facts of the case: In the year 1871, the Reverend Father Santi Binazzi, pastor of the parish of Saint Felix of Ema, considered constructing private tombs in the form of a columbarium, as they say, in which the bodies of the faithful would be interred, after the payment of taxes, and the first part or section to be built would be on the land of the cemetery, which is said to be communal. On February 10, 1871, as narrated in the meeting held on August 6, 1872, between the aforementioned pastor and the municipal councilors, "he presented a request to the municipal council of Galluzzo, in order to obtain 'permission to build a private burial ground extending along the common cemetery of said church...' This request was accepted by the municipal authorities, as well as by the Royal Prefecture of Florence, and under the conditions 'established by the same.'"

However, in order that the public cemetery would not be diminished in size, it was decided that the pastor should extend the common cemetery to other areas. Having obtained this authorization, the pastor Binazzi, in order to proceed with the construction of the tombs, entered into an agreement on August 21, 1871, with the sodality of Saint Mark and the Most Holy Annunciation, in which it was stipulated that the community and the sodality would share all expenses and profits arising therefrom. When, in the year 1880, the pastor Binazzi died, and only the first section of the columbarium had been built, Angelus Ciuffi, who succeeded him in the administration of the parish, completed the entire project under the same conditions as before, that is, the expenses and profits were divided between the pastor and the sodality. However, in the year 1908, on March 30, the pastor Ciuffi informed the sodality that he would no longer pay them any further share of the profits from the columbarium. He stated, as he declared three years later, "interpreting the spirit and the letter of the contract stipulated by my predecessor, Father Santi Binazzi."

4. The legal matter: Therefore, the starting point must be the contract

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entered into on August 21, 1871, between the pastor Binazzi and the sodality: almost the entire matter depends on the validity and interpretation of this contract. Furthermore, in that agreement, the following provisions, relevant to the present case, were made:

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis - Commentarium Officiale "Cum reverendus dominus Santi Binazzi, rector ecclesiae Sancti Felicis in Ema, in municipio Galluzzo, nuper obtinuerit, tam ab auctoritatibus gubernativis quam ab ipsius municipii, facultatem aedificandi sepulcretum in forma columbariae, quod erigendum sit adiacens tumulo ecclesiae praedictae, ut ex declaratione iuntae municipalis Galluzzo die 3 Martii 1871, approbata a concilio communali die 9 Maii sequenti, et a praefectura Florentiae die 31 eiusdem mensis et anni, patet.

"Cum, post talem concessionem, dictus reverendus rector Binazzi, cognoscens opportunitatem celeriter construendi primam sectionem tali sepulcreti, ut deinde, ex vectigalibus tumulationis in dicta sectione collectis (si quidem expensae ad primam sectionem factae solvantur, non libet ei reliqua pecunia alio modo disponi), opus illud perficiat, representantes venerabilis societatis Sancti Marci et Sanctissimae Annuntiationis in Sancto Felice in Ema ad concurrendum cum ipso in expensis privatis et accessoriis ad talem constructionem invitat.

"Administratores supra dictae societatis, cum consensu fratrum societatis die 21 Maii praeteriti, debite sunt autoritati ad se associandum cum dicto reverendo rectore ad finem praedictum, sub conditionibus quae infra exprimuntur.

"... Primum, partes praedictae narrationem suprascriptam ratificant et confirmant, ei vim dispositivam tribuent, quasi in hoc loco verbo ad verbum transcribatur et recitatur. Hic, reverendus rector Binazzi, pro interesse suo et ecclesiae praedictae, et domini Philippus Barcali et dominus Franciscus Chelozzi, pro interesse supra dictae venerabilis societatis, conveniunt et concordant de aedificando et erigendo, communibus expensis, et ita perfecta divisione inter eos, primam sectionem sepulcreti, quam reverendus rector Binazzi, ut supra dictum est, auctorizatus est aedificare ad commodum ecclesiae Sancti Felicis in Ema, praesertim illam sectionem, quae adiacit societati Sancti Marci et Sanctissimae Annuntiationis...

"... Custodia et conservatio dictae primae sectionis sepulcreti, non minus quam tumuli huius temporis, super quem sepulcretum ipsum locatur, dimidio incumbunt rectori et societati, conformiter pactis cum municipio Galluzzo. Praeterea, eadem societas annue rectori ecclesiae Sancti Felicis in Ema solvit dimidiam partem canonis, quem peritus dominus Matthias Facchini, communiter a partibus electus, terris ad constructionem totius

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sepulcreti destinatis assignabit.

[*Latin ed. p. 275*]

S. Romana Rota 275 « and for the enlargement of the current burial ground on the northern side, this half of the cost shall not exceed the amount that the parish priest could obtain from the land through a strict sale and purchase in the current circumstances.

« ... Once the work on the aforementioned section of the burial ground is completed, the accounts will be settled, and with the participation of the promoter and the three aforementioned brothers, the precise amount of the expenses will be determined. As payments for burial fees are received, the sum previously advanced will be gradually returned to the parish priest and the company, and if there is a surplus, this, if the parties do not agree to the construction of a second section of the burial ground, must be divided between the promoter of S. Felice in Ema and the aforementioned company, always subject to the obligation of maintenance as stated above, in all cases.

« ... Neither in the section of the new burial ground, to the construction of which the aforementioned venerable congregation contributes, nor in the other parts of the same burial ground, when they are built, may the bodies of non-Catholics be received or buried...

« ... The expenses of the present document... and those required for the acts necessary for the construction of the aforementioned works will be borne by half by the venerable company and by the other half by the promoter Binazzi ».

5. With regard to this agreement, the following points must be considered above all:

1) As clearly stated in the terms of the agreement itself, a true and proper partnership for profit or gain was established between the parties. Therefore, the parish priest Ciuffi is mistaken when he seems to believe that this concerns the purchase and sale of real estate, and the parish priest is the patron, who believes that this concerns the alienation of parish property.

2) In a contract of partnership, « it is certain that if nothing has been agreed between them regarding the shares of profit and loss, the benefit and the detriment must be common to them in equal shares » (Gaius, III, 149; dig. 17, 2, 29 princ. Inst., III, 26, 1). And if equal shares have been expressly stated in the contract, these must be strictly observed.

3) Indeed, in the agreement in question, equal shares were established in expenses, burdens, and profits. Regarding expenses, it was agreed that the tombs would be constructed at common expense, and in equal and equal shares: « they agree to have the tombs constructed at common expense, and thus in perfect halves between them... ». Regarding burdens as well; for it was stipulated that the burdens of maintenance and conservation of the

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tombs should be borne jointly and in equal and equal shares: « the

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis - Commentarium Officiale: ”The maintenance and preservation of this first section of the burial ground, ”as well as the current cemetery, upon which the burial ground itself is located, shall be borne equally by the parish priest and the ”company...” Regarding the profits; for it is expressly stated that the proceeds from the burial of the dead in the tombs shall be divided equally between the parish priest and the association: ”From time to time, as payments for burial fees are received, the sum previously advanced shall be gradually returned to the parish priest and the company, and if there is a surplus, this, if the parties do not proceed with the construction of a second section of the burial ground, must be divided between the rector of St. Felix in Ema and the aforementioned company, with the aforementioned obligation of maintenance remaining in force in any case.” 4) The agreement primarily concerned the first section of the tombs, or the columbarium, but it also, at least remotely, and indeed expressly, concerned the construction of a second section, or even the entire columbarium. It is stated: ”Since, following this concession, the aforementioned Mr. Rector Binazzi, recognizing the convenience of promptly constructing the first section of this burial ground, in order to then, with the proceeds from the burial fees on that section (if, after the expenses incurred for said first section have been paid, he does not wish to dispose of the surplus in any other way), complete this work...” Again: ”Furthermore, the same company shall pay annually to the parish priest of the aforementioned church of St. Felix in Ema half of the fee that... will be assigned to the land to be used for the construction of the entire burial ground...” Finally: ”Both in the section of the new burial ground, to the construction of which the aforementioned venerable congregation contributes, and in the other parts of the same burial ground, when they are built...” 5) But with regard to the construction of a second section of the tombs, or with regard to the completion of the entire burial ground, the following was again stipulated: a) that if the second section is not constructed, the surplus proceeds shall be divided between the parish priest and the company: ”and if there is a surplus, this, if the parties do not proceed with the construction of a second section of the burial ground, must be divided between the rector of St. Felix in Ema and the aforementioned company”; 6) that after the first section or part has been constructed, and the expenses paid, the parish priest may, at his discretion, dispose of any surplus proceeds in any other way; ”if, after the expenses incurred for said first section have been paid, he does not wish to dispose of the surplus in any other way.” With these conditions introduced into the agreement, a clause in favor of the parish priest was included, so that

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he might dispose of the proceeds in another way.

[*Latin ed. p. 277*]

The Roman Rota, considering the remaining funds, which were termed "leftovers," sought to ensure the completion of the entire project, or, which seems more likely, to establish a condition for its resolution, again favoring the parish priest, so that he might withdraw from the obligation of completing the entire burial ground.

6. Therefore, arguing in reverse, it must be concluded that, if the parish priest had not wished to include a clause or a condition for his benefit, and the entire burial ground had thus been to be constructed, the same conditions and laws regarding expenses and revenues, which had been established for the construction of the first section, would have had to be observed. For, at least implicitly, this was stipulated in the agreement itself, as appears from the articles which we have written above and from the entire context. Indeed, even granting that those conditions and laws regarding the equal division of expenses in the second section and in the entire burial ground to be constructed had been omitted in the agreement, the same conclusion would have been reached by virtue of the general law by which contracts of association are governed. See Gai, III, 148, 154 in fine, and Inst., III, 25, § 3. For "it is understood that if in one matter a part has been expressed... in the other, omitted, in the same way that which has been omitted is to be understood."

7. The parish priest Binazzi died in the year 1880, as stated above, after the first section of the cemetery had been completed, although the construction of the second section had been considered. He was succeeded by the current parish priest, Angelus Ciuffi. He not only did not exempt himself from the agreement of the year 1871, which stipulated that the successors of the parish priest Binazzi were not bound to manage the parish, but he also divided the revenues from the *columbarium* equally with the association, according to the conditions and laws contained in the instrument or agreement of the year 1871. Indeed, in the year 1882, he began, together with the association of S. Marci and the Ssma Annunziatae, to plan the expansion of the *columbarium* and the construction of the second section. Therefore, on April 13, 1882, he wrote to the Florentine Curia: "The first section of the new burial ground was erected by the parish priest and the association on the land of the municipal cemetery. In expanding said cemetery, the expropriation with an archiepiscopal decree of January 10, 1879, was agreed upon. Today, the purchase of the land for the new section is requested by the parish priest and the venerable association of S. Marco and the Ssma Annunziata, maintaining, as they have done up to now, the expenses and sharing the revenues..." Therefore, the parish priest Ciuffi not only tacitly, or at least in practice, accepted the agreement of the year 1871: "maintaining as they have done up to now...", but also expressly agreed

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with the association, as is evident from his own letters, to share equally in the construction of the second section.

[*Latin ed. p. 278*]

278 Acta Apostolicae Sedis - Official Commentary: It is necessary to maintain equal shares in both cases, whether in the expenses and in the profits, "balancing the expenses and earning income together." Therefore, equal shares were and are maintained in the second section of the columbarium, as in the first section. When this second section was completed, the parish priest Ciuffi again requested from the Florentine curia the necessary and appropriate permissions, so that he might complete the construction of the entire cemetery or columbarium, by letters dated February 5, 1889, which stated as follows: "The Reverend Father Ciuffi, parish priest of the suburban church of Saint Felix at Ema, respectfully states: that the aforementioned second section of the cemetery belonging to said church is almost exhausted due to frequent burials, and that the niches of the first section are also completely full. Therefore, the undersigned, together with the venerable company of Saint Mark the Evangelist and of the Most Holy Annunciation, established in this parish, have need to continue the construction of the aforementioned cemetery, and therefore requests Your Eminence and Reverence to grant the faculty to proceed with the expropriation of a portion of land belonging to and constituting the property of said church, observing exactly the same injunctions and conditions, of which mention is made in the archiepiscopal decree of August 15 of the year 1882." This decree, however, the Florentine curia had approved on April 13, 1882, as mentioned above, with certain conditions attached, which do not affect this case. Therefore, it is evident that equal shares were again maintained in this third section of the tombs, as in the second and first sections. Finally, when the parish priest Ciuffi considered extending the tombs again, or expanding the cemetery into the form of a columbarium, on June 26, 1906, or, which is the same for our purpose, on April 26, 1908, he entered into an agreement with the sodality of Saint Mark and the Most Holy Annunciation, in which the following, among other things, are particularly contained: "The Reverend Prebendary Father Angelo Ciuffi, wishing to demonstrate his never-denied affection for the venerable company of Saint Mark and of the Most Holy Annunciation, canonically established in his parish, and considering that it is now necessary to expand the cemetery (attached to the public one) built in virtue of the prefectorial resolutions of March 31, 1871, has freely come to the following determination, that is, to fully ratify for said new expansion the act of constitution of a society between the parish priest and the company, drawn up on August 21, 1871, by the lawyer Pietro Gobbo, Doctor. Therefore, I: the expenses, as well as the income, must be divided perfectly in half between the aforementioned venerable company

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and the Reverend Prebendary..." Therefore, it must be concluded that the parish priest Angelo Ciuffi adhered to the agreements made by him with the sodality of Saint Mark and the Most Holy Annunciation, as expressly stated therein.

[*Latin ed. p. 279*]

The Roman Rota, in its judgments of 1882, 1889, 1906, or 1908, as well as in the agreement of 1871, which itself ratified it, has established that equal shares, concerning both the old and the new cemetery, must be maintained between the parish and the sodality, both in expenses, burdens, and profits.

8. The exceptions raised by the parish priest Ciuffi are entirely futile and without merit. He claims that the agreement of 1871 applies only to the first part or section of the cemetery. But, as we have already demonstrated above, this cannot be admitted, because the agreements initiated by the parish priest Ciuffi himself in the years 1882, 1889, 1906, or 1908 expressly refer to the other sections. Furthermore, the parish priest claims that the parish priest Binazzi was tricked and coerced by the members of the sodalities of St. Mark and the Most Holy Annunciation when entering into the agreement of 1871. But, as we have already stated, these alleged machinations and acts of violence, which are indeed asserted but not proven, must be attributed to entirely different causes, and furthermore, the claim of coercion and deceit, as well as the action and exception based on fear, are entirely irrelevant to the parish priest Ciuffi. The parish priest Ciuffi is not obligated towards the sodality because his predecessor, Binazzi, entered into an agreement with the sodality, but rather because the agreements, as mentioned above, were freely and voluntarily initiated by him with the sodality.

Moreover, the parish priest contends that he has always acted in all matters with the sodality, because he claims that he only discovered the agreement of 1871 in the year 1908, having been unaware of it previously. But, as we have already stated, a letter sent by him to the vicar general in 1905 accuses him of falsehood, and the agreement of 1871 was publicly documented and ratified by the parish priest in 1882, especially concerning the equal shares to be maintained in the partnership.

Furthermore, the sodality of St. Mark and the Most Holy Annunciation claims that it is not a legal or moral person, and that it is not in accordance with either canon law or civil law. But, as we have already stated, it cannot be denied that the sodality is a legal person according to civil law, nor can it be demonstrated that it is not. The sodality was canonically established within the parish of St. Felix, as demonstrated by its ancient statutes, which were approved by the Bishop of Florence, and which the parish priest Ciuffi himself openly acknowledged previously; therefore, it is undoubtedly a legal person or a moral body.

Finally, the sodality argues that, according to its statutes, it cannot own

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real estate. But, firstly, the statutes do not deprive the sodality of the capacity that it possesses according to the law; and secondly, in the present dispute between the parish priest and the sodality, the matter at hand is not the purchase of property, but rather an agreement of partnership entered into between them, so the question of whether the sodality can own property is irrelevant to the dispute.

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis - Official Commentary on the defect of Apostolic See approval in the alienation of ecclesiastical goods. 9. With these premises established, since the confraternities of St. Mark and the Most Holy Annunciation must share equally in the revenues of the old and new cemeteries, it follows that, in this case, the parish priest must return to the confraternities the revenues improperly received and retained by him, and that, indeed, together with the principal, the interest also duly owed must be repaid. The administration of the revenues, however, must be carried out according to the norms established in the agreement of June 26, 1906, or of April 26, 1908. 10. Therefore, having diligently considered and examined all of these matters, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, declare and definitively pronounce judgment in response to the proposed questions: Regarding Question I: Affirmative, that is, the confraternities of St. Mark and the Most Holy Annunciation must participate in the revenues of the old and new cemeteries, in this case, by virtue of the agreements entered into between them and the parish priest of St. Felix at *aequa*. And, in equal measure, both in the burdens, expenses of labor, and ordinary and extraordinary maintenance to be borne in common, as well as in the revenues to be divided among themselves. Regarding Question II: Affirmative in the first part, negative in the second part, that is, the confraternities must receive from the parish priest the revenues received in the past, as well as the damages that must be made good, in this case. Regarding Question III: The administration of the revenues must be carried out according to the norms established in the agreement of June 26, 1906, or of April 26, 1908. Furthermore, the parish priest, Angel Ciuffi, must be condemned to pay all judicial expenses. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to which this pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session 25, of the Council of Trent, using the executive and coercive means that they deem most effective and appropriate for the circumstances. At *Romae*, in the seat of the Tribunal of the Holy Roman Rota, on February 26, 1915. Aloysius Sincero, President. From the Chancery, March 25, 1915. Sac. T. Tani, Notary. Joseph Mori. Fred-

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erick Cattani.

[*Latin ed. p. 281*]

The Sacred Apostolic Penitentiary 281. THE SACRED APOSTOLIC PENITENTIARY. DECREE CONCERNING THE FACULTIES OF PRIESTS RELATING TO THE ITALIAN ARMY DURING THE TIME OF WAR.

The Sacred Apostolic Penitentiary, desiring to provide for the salvation of souls, graciously granting the petitions of certain Ordinaries of Italy, by special and express Apostolic authority, grants that all priests who, by any title, belong to the army, provided that they have received the faculty, either from their own Ordinary or from another Ordinary, to hear confessions of the faithful, and that this faculty has not been positively revoked, may, during the war, while accompanying the army, hear the sacramental confessions of all who are serving in the army or who are in any way connected with the army; and absolve them, with the legal penances prescribed, without any exception, from all censures and excommunications, even those reserved to the Roman Pontiff, or to the Ordinaries of the place. Furthermore, the Sacred Penitentiary declares that, together with the present decree, those things which were granted by the same Sacred Tribunal on account of the war remain in force. Contrary provisions notwithstanding.

Given at Rome, from the offices of the Sacred Penitentiary, on the 25th of May, 1915.

S. CARD. VANNUTELLI, Major Penitentiary.

L. & S. Ioseph Palica, Secretary of the Sacred Penitentiary.

[*Latin ed. p. 282*]

Acts of the Apostolic See - Official Commentary

II. DOUBT CONCERNING SOLDIERS IN A STATE OF WAR MOBILIZATION.

The following question was proposed to the Sacred Penitentiary: "Whether a soldier, or anyone, who is in a state of war mobilization, or, as they say, mobilization, can, by that very fact, be considered to be in a state of danger of death, so that he may be absolved by any available priest."

Answer: The response was given on March 18, 1912, to the Bishop of V., namely: "Affirmatively, according to the rules handed down by approved authors."

Given in Rome, from the offices of the Holy Penitentiary, on May 29, 1915.

Charles Perosi, Sacred Prelate, Regent.

Joseph Palica, Sacred Prelate, Secretary.

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ROMAN CURIAL DIARY

BY ORDER OF HIS HOLINESS

With the tickets of His Eminence, the Reverend Monsignor, the Most Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

March 4, 1915. — Monsignor Francesco Gillows, of the diocese of Liverpool.

March 6. — Monsignor Giovanni Battista Gruener, of the archdiocese of Bamberg.

March 8. — Monsignor Giuseppe Leone Gallardo, of the archdiocese of Buenos Aires.

March 20. — Monsignor Giovanni O'Leary, of the diocese of Ross.

March 20. — Monsignor Antonio Serafini, of the archdiocese of Udine.

March 20. — Monsignor Giuseppe Ruiz y Ruiz, of the archdiocese of Seville.

March 25. — Monsignor Cesare Donnini, of the diocese of Cremona.

[*Latin ed. p. 283*]

Diarium Romanae Curiae 283, March 31, 1915. — Monsignor Giovanni Saturno, of the Archdiocese of Naples. — Monsignor Giuseppe Németi, of the Diocese of Granvaradino. — Monsignor Giulio Mazurek, of the same diocese. April 14. — Monsignor Benedetto Censi, of the Diocese of Bertinoro. — Monsignor Nazareno Censi, of the same diocese. — Monsignor Alpinolo Lasi, of the same diocese. — Monsignor Sante Borghesi, of the same diocese. — Monsignor Placido Gobbini, secretary of the Apostolic Delegation to Venezuela.

Chamberlains in peacock blue vestments of His Holiness: March 12, 1915. — Monsignor Emanuele Garcia y Bernal, of the Archdiocese of Santiago de Cuba. March 20. — Monsignor Augusto Peltzer, residing in Rome. March 27. — Monsignor Aniello Calcara, of the Diocese of Sulmona. April 10. — Monsignor Riccardo Lacarra, of the Archdiocese of Brindisi. — Monsignor Riccardo Joch. April 14. — Monsignor Ernesto Filippi, secretary of the Apostolic Delegation to Cuba. — Monsignor Enrico Schaaf, of the Archdiocese of Colonia. — Monsignor Augusto Hortmanns, of the same Archdiocese. April 15. — Monsignor Alessio Lepore, of the Diocese of Nusco. April 17. — Monsignor Giovanni Pasquali, of the Diocese of Frascati. April 28. — Monsignor Giovanni Battista Piano, of the Archdiocese of Turin.

Secret Chamberlains of Sword and Cape, supernumerary, of His Holiness: March 8, 1915. — Mr. Viscount Edoardo de Werbier, of the Diocese of Arras. March 12. — Mr. Camillo Bellaigue, of the Archdiocese of Paris.

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— Mr. Count Giuseppe Pestalozza, of the Archdiocese of Bamberg. March 15. — Mr. Count Paolo de Mounier, of the Diocese of Perpignano. March 16. — Mr. Count Renato Przezdziecki, of the Diocese of Samogizia. March 17. — Mr. Baron Michele Tufarelli, of the Archdiocese of Naples. March 20. — Mr. Marquis Viscount Antonio de Faria, residing in Lausanne. March 27. — Mr. Erdvino Riedemann, of the Diocese of Hamburg. March 31. — Mr. Francesco E. O'Gorman, of the Archdiocese of Westminster. April 7. — Mr. Giuseppe Sanchis Pertegás, of the Archdiocese of Valencia. April 10. — Mr. Marquis Carlo Serra y Pichman, of the Archdiocese of Seville.

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis - Official Commentary, April 15, 1915. — The Most Noble Count Giuseppe Gastone La Caille, of the Archdiocese of Paris. — The Most Noble Count Luigi de Savignac, of the same Archdiocese. April 16. — The Most Noble Count Giorgio de Montgermont, of the Diocese of Meaux. Honorary Knights of the Order of the Sword and Mantle, extraordinary: March 6, 1915. — The Reverend Paolo Albini, of the Diocese of Mentone. March 8. — The Reverend Knight Ulisse Passani, of the Diocese of Parma. — The Reverend Francesco Turubull, of the Diocese of Newport. March 17. — The Reverend Frederick Pustet, of the Archdiocese of Ratisbon. March 23, 1915. — The Reverend Marcantonio Caracciolo del Leone, of Rome. April 22. — The Reverend Gaetano Gargano, of the Diocese of Nicastro. Honorary Prelate, beyond the city walls, of His Holiness: April 10, 1915. — Monsignor Arturo Lauf. NECROLOGY, April 28, 1915. — Monsignor Costantino Czechowicz, Greek-Ruthenian Bishop of Premislia.

[*Latin ed. p. 285*]

Year TH.- Volume YIÏ, Pius, June 21, 1915, No. 11. ACTA APOSOLICAE SEDIS, COMMENTARIES, OFFICIAL. ACTS OF BENEDICT, POPE XV. LETTER I TO ANTONIUS CARDINAL MENDES, PATRIARCH OF LISBON, CONGRATULATING HIM ON THE ANNIVERSARY OF HIS ORDINATION.

Beloved Son, greetings and the apostolic blessing.

These letters provide the occasion, and a most desired one, to congratulate you on the approaching anniversary of your priesthood. We would greatly desire to rejoice with you in these matters, and to congratulate you, beloved Son, so that nothing might detract from the common joy, even amidst these difficult times. But we know that you are not one who is not deeply touched by the anxious cares of the Mother Church, and by the calamities that so often afflict your homeland. Nor are we ignorant of those who, while engaged in battles abroad, are overwhelmed by the waves of anxieties and fears; for neither are we free from pain in our presence, nor are we permitted to look forward to the future without grave apprehension.

There is, however, one thing in which we can raise our spirits: to sur-

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render ourselves to the providence of Him who so fosters and nourishes His Church, that even the designs of the wicked may sometimes serve to promote its good. May it so happen with the greatest felicity, that justice and peace may be restored as quickly as possible, to the greater growth of the Church of Christ, and to the full prosperity and concord of the peoples! To these wishes, we add the most fervent prayers for your safety; and we gladly invoke the help of Saint Anthony, so that, as the very days of your auspicious ordination remind us, he may be a protector of the Church of Lisbon.

[*Latin ed. p. 286*]

286 The Acts of the Apostolic See are a light and a safeguard, and may they be a constant patron of your priestly life, so that those studies which you have thus far devoted to the Apostolic See and to your Church may, with the same diligence, continue to benefit both for as long as possible. May the divine blessings, and may I, as a witness to Our apostolic benevolence, bestow upon you, Our beloved Son, and upon your clergy and people, a heartfelt blessing in the Lord. Given in Rome, at St. Peter's, on the twentieth day of May, in the year 1915, in the first year of Our Pontificate. BENEDICT XV. To FRANCIS, from Paula, Cardinal of the Holy Roman Church, Casseta, Bishop of TUSCULANUM, greetings and congratulations on the completion of his fiftieth year of priesthood. Venerable Brother, greetings and the apostolic blessing. — We have indeed learned with great pleasure that you are about to complete fifty years since the beginning of your priesthood. For this auspicious event provides Us with an opportunity to express the esteem we hold for you, due to your merits and your dedicated service. Indeed, considering the passage of time, you should above all rejoice that, with the help of God, you have always faithfully and usefully performed all the duties of your office. But a common expression of congratulations from those who rightly consider you an honor and an ornament of the Roman clergy will add no small measure of joy to your good conscience. For you, in truth, illuminate not so much with the splendor of the purple, as with the virtues of the priesthood, and especially with generous charity. Therefore, we offer you our heartfelt congratulations, and we give thanks to God with you, who has preserved you until this day, and we pray that He may, with His kindness, keep you with Us and with the Church for a very long time. May the divine blessings, and may I, as a witness to Our special benevolence, bestow upon you, Venerable Brother, Our most beloved, the apostolic blessing. Given in Rome, at St. Peter's, on the seventh day of June, in the year 1915, in the first year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 287*]

The Sacred Congregation Consistorial [Decree concerning the Military

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Ordinary in Italy during wartime].

The proper order and the just reason of ecclesiastical discipline demand that, as has been done in many other kingdoms and states, the same should also obtain in [Italy], and that to the priests who assist a large number of soldiers engaged in the present war, both on land and at sea, a certain Bishop or Ordinary be appointed by whom they may depend spiritually. For this reason, the Most Holy Pope Benedict XV judged it fitting, and by this Consistorial decree, has chosen the Reverend Angelus Bortolomasi, Bishop of Derbe, and the Auxiliary of the Eminent Archbishop of Turin; and he is constituted the proper Ordinary for all clerics and priests, both secular and of religious orders, who are providing their services during this war in the field, or in the hospitals of the camps, or on ships, in order that they may administer the sacraments and spiritual assistance to the soldiers. Therefore, all of these, whatever their order may be, while serving the soldiers, shall cease from any privilege or exemption, and shall obey the aforementioned Bishop as their proper Ordinary in the exercise of their sacerdotal duties. They shall be able to exercise the faculties which the Apostolic See has recently granted to them only subordinately and dependently upon him. And they shall seek counsel and direction from him, and not from others, if any doubts arise in the exercise of the sacred ministry. For this purpose, the Supreme Pontiff, by this very Consistorial decree, grants to the aforementioned Bishop all the necessary and appropriate faculties. It shall be his duty, with military authority, to approve priests who exercise the sacred ministry among military forces, both land and sea, after having heard their respective Ordinaries, so that he may know whether they are fit to undertake such a duty; and it shall also be his duty to grant them the same faculties, and, if a just cause arises, to grant them military advancement.

[*Latin ed. p. 288*]

Acts of the Apostolic See - Official Commentary 288, with the consent of each for their own conscience, they may be removed from office, or forbidden from the sacred rites, regardless of any title, and with warnings given in each specific case by the individual Ordinaries. Finally, should the Most Reverend Ordinary here not be able to satisfy all requests directly and immediately, it is permitted that he may appoint one or more of his priests as Vicars or Delegates, with the necessary faculties to hold his place in any military station or in his class, and to provide appropriately for urgent needs. Notwithstanding any contrary provisions that may be in force. Rome, June 1, 1915.

Signed: G. CARD. DB LAI, Bishop of Sabina, Secretary.

L. S. f Thomas Boggiani, Archbishop of Edessa, Assessor.

NOTICE: The Reverend Diocesan Ordinaries and Superiors of Orders and Religious Congregations are requested to communicate to the Rev-

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erend Monsignor Angelo Bortolomasi, Titular Bishop of Derbe, Military Ordinary for Italy, the list of priests who are under their jurisdiction and who belong to the army, under any title, and especially those who are assigned there as Chaplains, indicating their qualifications, the principal office each held in the diocese or institute, and, if possible, the regiment to which they belong. Letters to the aforementioned Prelate should be addressed to Rome, Palazzo della Cancelleria.

Rome, June 5, 1915.

II. ERECTION OF A NEW APOSTOLIC PREFECTURE

By Decree of the Sacred Congregation Consistorial, dated May 26, 1915, Our Holy Father Benedict XV divided the Vicariate of Casanare in the Republic of Colombia into two parts, and, reducing the Vicariate to the part of the territory that is to the south, or to the right of the course of the Casanare River, he erected the northern part, to the left of the same river, into an Apostolic Prefecture, to be called Arauca, and subjected it to the jurisdiction and authority of the Sacred Congregation for the Propagation of the Faith.

[*Latin ed. p. 289*]

Sacred Congregation of the Council, 289, III. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Council, the Most Holy Pope Benedict XV has provided for the following churches, namely:

March 15, 1915. — To the cathedral church of St. Aloysius in Caceres, he appointed the Reverend Aloysius Mary Gabiret, of the Third Regular Order of St. Francis, rector of the seminary of CuiabÃ¡.

— To the cathedral church of Ilheosen, he appointed the Reverend Emmanuel Anthony of Paiva, rector of the seminary of ParaÃba.

April 7. — To the metropolitan church of Salerno, he appointed the Reverend Charles Gregory Grasso, O.S.B. Cassio, prior of the monastery of Montis Virginis.

April 8. — To the cathedral church of Ozieri, he appointed the Reverend Carmel Cesarano, of the Congregation of the Most Holy Redeemer.

April 10. — To the cathedral church of Gerunda, he appointed the Reverend Francis of Paula Mas and Oliver, canon of the cathedral church of Barcelona.

April 12. — To the cathedral church of Casale Monferrato, he appointed the Reverend Albin Pella, formerly Bishop of Calven and Tean.

April 16. — To the cathedral church of Signa, he appointed the Reverend Angel M. Sinibaldi, formerly titular Bishop of Europen and suffragan of Ostia and Veliterna.

May 26. — To the metropolitan church of Chambery, he promoted the

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Reverend Dominic Castellan, Bishop of Digne (-Riez-Sisteron).

— To the cathedral church of Placentia, he appointed the Reverend Angel Regueras and Lopez, canon doctor of the cathedral church of Oviedo, and doctor in both laws.

— To the titular church of Hamathen, he appointed the Reverend Felix Guerra, of the Salesian Congregation, Apostolic Administrator of the metropolitan church of St. James in Cuba.

May 27. — To the titular episcopal church of Ipsus, he appointed the Reverend Honor Carcaterra, of the Order of the Friars Minor.

May 30. — To the titular archiepiscopal church of Nisibis, he promoted the Reverend Joseph Petrelli, Apostolic Delegate to the Philippine Islands.

June 1. — To the metropolitan church of St. Francis in California, he promoted the Reverend Edmund Hanna, formerly titular Bishop of Leopolitana.

[*Latin ed. p. 290*]

290 Acta Apostolicae Sedis - Official Commentary, June 1, 1915. — To the cathedral church of Lacus Salsi, the Reverend Joseph Glass, pastor of Saint Vincent in the city commonly called Los Angeles, has been appointed. — To the cathedral church of Hildesheim, the Reverend Joseph Ernst, rector of the episcopal seminary of Hildesheim, has been appointed. — To the cathedral church of Petrocoria, the Reverend Mauritius Rivière, pastor of the church of Saint Mary Magdalene in the city of Paris, and Doctor of Sacred Theology, has been appointed. — To the cathedral church of Augustodunum, the Reverend Desideratus Berthoin, Vicar General of Gratianopolis, and Doctor of Sacred Theology, has been appointed. — To the cathedral church of Bellovacum, the Reverend Eugenius Stanislaus Le Senne, Vicar General of Vannes, has been appointed. — To the cathedral church of Dinia, the Reverend Leon Adulphus Lenfant, pastor of Saint Anthony in the city of Paris, and licentiate in Sacred Theology, has been appointed. — To the cathedral church of Ambianum, the Reverend Andreas Dubois de la Villerabel, Vicar General of Saint-Brieuc, and Doctor of Sacred Theology and of Canon Law, has been appointed. — To the cathedral church of Larino, the Reverend Anthony Lippolis, archpriest and pastor of the cathedral church of Conversano, has been appointed. — To the cathedral church of Ariano, the Reverend Cosimus Agostino, formerly Bishop of Lacedonia, has been appointed. June 2. — To the cathedral churches of Asculana and Ceriniolensis, the Reverend John Sodo, pastor of the metropolitan church of Naples, has been appointed. — The Reverend Herculanus Marini, formerly Bishop of Nursia, has been promoted to the metropolitan church of Amalphitanum. June 16. — To the cathedral church of Seniensi, with the perpetual administration of the church of Modruš, the Reverend Joseph Marutic, canon of honor of the cathedral church of Seniensi, and master in

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the gymnasium of Gospic, has been appointed. NOMINATION: By a brief apostolic letter, dated May 21, 1915. — The Reverend Damian a Virgine Perdolente, in the world John Theelen, a professed priest of the Congregation of the Most Holy Cross and Passion of Our Lord, has been appointed Bishop of the cathedral church of Nicopolis.

[*Latin ed. p. 291*]

SACRED CONGREGATION OF RITES. MEDIOLANESE. REGARDING THE IDENTITY AND AUTHENTICITY OF THE RELICS OF ST. VICTOR MAURUS, MARTYR, AND ST. SATYRUS, CONFESSOR.

In Milan, a controversy had arisen for some time between the Rector of the Basilica of St. Victor ad Corpus and the Chapter of St. Ambrose, concerning the relics of St. Victor, Martyr, and St. Satyrus, Confessor. This matter was finally brought before the Archiepiscopal Curia of Milan, which, on July 16, 1910, issued the following judgment: "It is certain that the bodies recognized by the Most Reverend Charles Borromeo in the old Porcian Basilica, and which, after renovations, have been publicly and manifestly preserved in the same Basilica until the present time, are truly the bodies of St. Victor Maurus, Martyr, and St. Satyrus, Confessor, brother of the Blessed Ambrose, Bishop and Doctor."

However, considering itself aggrieved by this judgment, the Chapter of St. Ambrose appealed and legitimately brought the matter before the Sacred Congregation of Rites. After arguments were presented by both sides, and when all was prepared for the proceedings, His Eminence and Reverend Lord Cardinal Franciscus a Paula Cassetta, Bishop of Tusculum and Promoter of this Cause, at a meeting of the Sacred Congregation of Rites, held on the date indicated and convened at the Vatican, proposed the following question for discussion: "Should the judgment of the Tribunal of the Archiepiscopal Curia of Milan be confirmed, in this case and for the purpose in question?" And His Eminence and the Reverend Fathers entrusted with the safeguarding of the sacred rites, after hearing the report of the Promoter and the Reverend Father Alexander Verde, Promoter of the Holy Faith, and after carefully considering all the reasons presented by both sides in the case, decided that the question should be formulated as follows: "Affirmatively, that is, the judgment should be confirmed: especially with the effect that, with regard to the relics of St. Victor and St. Satyrus which are publicly exposed for veneration in the Basilica of St. Victor, nothing should be changed, and that the Basilica should remain in its present state; and with the understanding that the relics, which are equally attributed to St. Victor and St. Satyrus, should be removed from public veneration in the Basilica of St. Ambrose, always observing the instructions to be appropri-

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ately given by the Promoter of the Holy Faith, on June 8, 1915."

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis - Official Commentary. Subsequent events concerning these matters were reported to His Holiness Pope Benedict XV by the undersigned Cardinal, Pro-Prefect of the Sacred Congregation for the Ritus, and His Holiness approved, ratified, and ordered that the decision of the aforementioned Sacred Congregation be observed in its entirety, notwithstanding any objections whatsoever. On the 9th day of the same month and year. ANTONIUS CARD. VICO, S. B. C. Pro-Prefect. L. S. Petrus La Fontaine, elected Patriarch of Venice, Secretary.

SACRED ROMAN ROTA, NEO-EBOR AGENDA. NULLITY OF MARRIAGE (BONI DE CASTELLANE - GOULU).

During the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 8th of February, 1915, the Most Reverend Fathers, Doctors Ioannes Prior, Ponens, Aloisius Sincero, and Iosephus Mori, Auditors at Tournon, in the case of Neo-Eboraci concerning the nullity of a marriage, between the Countess Maria Paulus Ernestum Bonifacium Boni de Castellane, represented by her legitimate procurator, the advocate Philippus Pacelli, and the Lady Anna Qould, who intervened and defended the cause of the sacred bond, rendered the following final judgment.

In Neo-Eboraci, on the 14th of March of the year 1895, before the Most Reverend Archbishop of this place, Augustine Corrigan, the Countess Maria Paulus Boni de Castellane entered into marriage with Anna Gould, an American girl, belonging to the Protestant Episcopalian sect, having previously obtained a dispensation regarding the impediment of mixed religion, although the aforementioned lady had received Baptism in her own non-Catholic church shortly before.

The common life of the spouses, which lasted for approximately eleven years and produced three children, did not continue peacefully, and was finally terminated by the lady, who, alleging that she had been violated by her husband for reasons of conjugal fidelity, first obtained a separation of bodies, and then a civil divorce from a lay court.

[*Latin ed. p. 293*]

The Roman Rota, in its 29th session, ruled that another man had entered into marriage according to a non-Catholic rite. Paulus of Castellane, however, moved by the hope of regaining his freedom, approached the ecclesiastical judge and alleged that his marriage to Anne Gould was null, citing the reason of a lack of consent on the part of the woman, since she entered into the marriage only with the intention of fulfilling certain conditions. By order of the Supreme Pontiff, the case was presented in the first instance before the Most Reverend Monsignor Lega, Dean of the Sacred College, and a judgment was issued in favor of the validity of the marriage

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on December 9, 1911. The appellant, the plaintiff, appealed, and the case was debated in the second instance under the formula of doubt: "Should the judgment of the Rota of December 9, 1911, be confirmed or overturned in this case?" The Fathers answered on March 1, 1913, "The judgment of the Rota in this case should be overturned." Now, for the third time, the same case is presented to us, with the Defender of the Bond, by official duty, urging the appeal, and the following doubt is to be resolved: "Should the judgment of the Rota of March 1, 1913, be confirmed or reformed in this case?" Regarding the law: Marriage is a contract instituted by the Author of nature himself, by which a man and a woman, by mutual and free consent, give themselves to each other in their entirety, with a related obligation attached, perpetual and exclusive in relation to the procreation of offspring. Therefore, by the very law of nature, the perpetuity or indissolubility of the bond, the exclusivity or unity of marriage, and its ordination for the procreation of offspring are essential conditions, or essential constitutive elements, of marriage; if any of these are lacking, there is no longer a marriage. Therefore, as Gregory IX declared in chapter 12, De condit. apposit., "If conditions are inserted that are contrary to the essence of marriage, such as if one were to say to the other: 'I will be with you only if you avoid procreation,' or: 'Until I find someone else who is richer in honor or fortune,' or: 'If you betray me for profit,' then the marriage contract, however favorable, lacks effect." Therefore, the intention in entering into marriage, which excludes the right and the related obligation, either of the marital union in relation to the procreation of offspring, or of the faithful observance of the conjugal bond, renders the marriage null. The same cannot be said of the intention not to fulfill such obligations assumed in marriage with respect to the goods of faith and offspring, because the fulfillment of these obligations supervenes after the marriage has been fully constituted, and therefore, the lack of such fulfillment cannot change the essence of the marriage itself. The goods of faith and offspring, considered in themselves, as the Divine Thomas teaches (In Sent. lib. 4, dist. 31, qu. 1, art. 3; Summ. Theol., suppl. qu. 49, art. 3), do not pertain to the essence.

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis - The official commentary on marriage, but concerning its use; and its essence does not depend on its use. Therefore, a condition imposed in contracting marriage concerning the avoidance of offspring, or the non-observance of conjugal fidelity, is, by its very nature, not contrary to the essence of marriage, nor does it enter into the marital agreement by its inherent force; rather, it can stand alongside the essential marital obligations regarding conjugal fidelity and the assumption of offspring, while simultaneously violating those very obligations; these two intentions do not necessarily exclude each other. For such a perverse intention to be contrary to the essence of marriage and to enter into the

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marital agreement, it is necessary that the consenting party make their marital consent dependent on it: that is, that they give their consent to the marriage only and if with the condition of avoiding offspring or of not observing fidelity, and not otherwise; that is, as the Authors commonly teach, a condition contrary to the good of fidelity or offspring does not invalidate the marriage, unless it is included in the agreement, either by one or both spouses. However, the good of the sacrament, or the indissolubility of the bond, considered in itself, belongs to the essence of marriage, and does not admit of a distinction between the obligation assumed and its fulfillment; therefore, an intention contrary to this indissolubility is, by that very fact, contrary to the essence of marriage; indeed, it enters into the marital agreement by its inherent force, without requiring a special intention on the part of the contracting party or parties, and it rejects one of the constitutive elements of the marital contract, namely, perpetuity, without which marriage cannot be conceived. Hence, the Authors commonly teach that an intention contrary to the perpetuity of the marital bond renders the marriage null, even if it is not included in the agreement. Wernz, de matr. n. 302, note 44, edition of 1911, says: "But when the intention of one party is to celebrate the marriage 'for a time,' or separably, contrary to the good of the sacrament, even without an agreement, the value of the marriage does not consist." Similarly, Sánchez teaches, lib. 2, dis. 29, n. 11, 12; lib. 5, disp. 12, n. 5; Gonzales, in tit. de condit, app., cap. 7, n. 9; Ballerini ad Gury, t. 2, n. 752, note a, edition of 1860; Palmieri-Ballerini, Opus Morale, t. 6, n. 492 seq., edition of 1892; D'Annibale, t. 3, n. 448, note 7, edition of 3; Rosset, de sacram, matr., t. 1, n. 206 seq.; Lehmkuhl, Theol. Mor., t. 2, n. 668, 2, edition of 10, year 1902: Wernz, op. cit.; Gasparri, n. 910, t. 2, edition of 1904; Rota, Nicien., before Many, on January 25, 1911; Oregonopolitan, before Prior, on July 6, 1914. Therefore, according to this common doctrine, it is sufficient that the contracting party, in giving their marital consent, simply and absolutely, with a positive intention,

[*Latin ed. p. 295*]

The Roman Rota, in case 295, considers whether a dissoluble bond is intended, so that the marriage is considered null. However, these statements concern speculative truth regarding consent and its objective value; if, however, the question arises in a concrete case, especially when one of the contracting parties harbors an erroneous opinion regarding the dissolubility of marriage, whether derived from pagan corruptions, or from heretical doctrine, or from the laws or customs of the country, whether they truly intended to establish a simply and absolutely dissoluble bond in entering into the marriage, it is a difficult matter to resolve, and a certain rule of judgment is required. For there are two contrary wills: the general will, namely, to enter into marriage as instituted by the Author of nature or by Christ, that is, perpetually and indissolubly; and another

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particular will, by which a dissoluble bond is intended, due to adultery or other causes. It must be said that the contracting party intends this simply and absolutely, as one will prevails over the other and dominates: in this case, according to Benedict XIV, if a condition for dissolving the marriage in case of adultery has been expressly stated, the particular will prevails; otherwise, the general will prevails, by which an indissoluble bond is intended, and in which the private error of the contracting party remains absorbed. Thus, he says in *De Synodo*, book 13, chapter 22, number 7: "Whoever wishes to enter into a contract, it is necessary that he wishes the same substance; therefore, if the contracting parties, when entering into the marriage covenant, add a condition contrary to that substance, this is certainly the clearest argument that they do not consent to a true marriage contract; but without the consent of the contracting parties, marriage cannot exist. But if that condition for dissolving the marriage in case of adultery is not expressly stated, although the contracting parties may be in error that the bond of marriage can be dissolved by adultery, nevertheless there is a presumption that, while intending to enter into marriage as instituted by Christ, they intended it to be entirely perpetual, and, even with the occurrence of adultery, to be indissoluble; that is, the general will, which we have mentioned, to enter into marriage according to Christ's institution, prevails, and that private error of theirs absorbs it in some way, so that the marriage contracted in this way remains valid and firm. But, where the contracting parties, in the very marriage contract, have expressly stated a condition for dissolving the bond of marriage in case of adultery, it cannot be said that the particular error remains absorbed by the general will of entering into marriage as instituted by Christ; but rather, this general will is extinguished and suffocated by the particular error, which manifestly prevails and dominates; and hence arises the nullity of the marriage, in which a condition of that very substance contrary to it was added in the act of contracting." This question has often been considered by learned Fathers.

[*Latin ed. p. 296*]

296 Concerning the Apostolic See – An Official Commentary of the Sacred Congregation of the Holy Office, it is not the case that, whether or not the intention of consummating the marriage is included in the agreement, it invalidates the marriage; even if it is not included in the agreement, but rather, what must be judged in practice concerning the validity of the marriage, where the two aforementioned intentions are present in the contracting parties, namely, the general intention of entering into marriage, as instituted by the Author of nature, the knowledge of which is given by nature, and which is not entirely obscured even among the most corrupt nations, provided that "nature cries out for every lost people, which has engraved 'the first nuptial tablets' in their hearts" (Instruction of the

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Holy Office of December 4, 1874, to the Most Reverend Albert, "Collectio de Propositionibus Fidei," no. 1427); and the other intention, a particular intention of entering into a marriage that is dissoluble according to the customs or laws of the country, or the tenets of a heretical sect; for a person intends marriage in the way in which he understands it, since nothing is willed that is not first known; the response of the Holy Congregation, however, repeatedly stated, presents this rule of judgment: If the intention of consummating the marriage was included in the agreement, the marriage is null; otherwise, it is valid.

However, it cannot rightly be inferred that the common doctrine of the aforementioned authors is contrary to the Instructions of the Holy Office, since the Holy Congregation does not directly address the speculative question posed by the authors; but only this can be concluded, that for the inquiring judge, it is scarcely, or perhaps not at all, possible to determine whether the intention of entering into a dissoluble marriage prevailed over the general intention of entering into marriage, as instituted by Christ or by the Author of nature, so that the contracting party simply and absolutely, with a positive intention, and not merely an interpretative one, intends a dissoluble bond, unless it is proven that he included this intention in the agreement, or gave his consent under this condition, and no other.

Indeed, the pontifical documents on this matter are: The Instruction of the Holy Office of December 9, 1874, to the Most Reverend Albert ("Collectio de Propositionibus Fidei," vol. 2, no. 1427): "Furthermore, missionaries seem to hold the opinion that the unions of barbarians, even if they appeared to have some semblance of a just marriage, are all invalid because of the error concerning the dissolubility of marriage, and because of the widely spread custom that is consistent with this error, or, which amounts to the same thing, all nuptial agreements are vitiated by an intention contrary to the substance of marriage. But Your Eminence knows very well that this error of the mind, if it is not put into effect, does not invalidate marriage, as the Holy Office has often and repeatedly declared in clear and well-conceived words, and in particular, in response to a question proposed by the Bishop of Bosnia: 'Is a marriage valid contracted between a Catholic and a schismatic heretic with the intention of making a covenant, or of dissolving the marriage?' on October 2, 1680, it responded: 'If this is...' "

[*Latin ed. p. 297*]

The Roman Rota, in decree 297, states: "Marriages are null if they are entered into with a condition, or if they are contracted with that condition; otherwise, they are valid." Furthermore, the custom of sending messengers to the wife, which is almost universally observed, and the practice of accepting such messengers, demonstrates that all agreements entered into with the intention of breaking the marriage bond are invalid; although this condition was present in marriages among the Romans in the time of

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Saint Paul, the Apostle nevertheless affirms that just and legitimate marriages can be contracted among the faithful (1 Corinthians 7). The "inherent error" of which the aforementioned Instruction speaks does not exclude, but rather implies, the intention of dissolving the marriage, in which the will of the party consenting to the marriage plays a part, based on a prior erroneous understanding of the dissolubility of the bond, as is evident from the subsequent documents of the Holy Office. On February 4, 1891, the same Holy Congregation for the Propagation of the Faith wrote to the Apostolic Vicar of Southern Japan (Collectanea, vol. 5, no. 1746): "It is not easily determined whether marriages are invalid simply because they were entered into with the opinion or intention of divorce. For only such an erroneous opinion and intention invalidates the marriage if it was a condition of the agreement; and this agreement will be evident from the words in which the consent was expressed." Another question was proposed to the Holy Congregation of the Holy Office on December 11, 1850 (Collectanea, vol. 1, no. 1054), as follows: "If two Catholics were to be married by Calvinist ministers with the intention of only being married according to the meaning and terms of civil law, which admits of divorce, could we then remarry the party who obtained permission from the government to marry another?" The case presented assumes the intention of the spouses to contract marriage only according to the meaning and terms of civil law, which openly admits of divorce; and the Holy Congregation responded: "It is not permissible (for one of the spouses who has obtained a divorce from the government) to enter into another marriage unless it is established that the first marriage was null, either because of the condition of divorce that was part of the agreement, or because of some other impediment." The following question, concerning marriages contracted by those who are ignorant of the indissolubility of marriage, and who enter into marriage in the manner customary in their country (Japan), i.e., in a manner that is considered dissoluble, was proposed on March 11, 1868 (Collectanea, vol. 5, no. 1327): "Are the marriages of those who are validly baptized, and generally of all, even of the pagans, valid and therefore indissoluble, if they are contracted according to the custom of divorce prevalent in the Empire (of Japan)? The reason for the question lies in the universality of this lamentable custom, in the ignorance in which the faithful are in regarding the indissolubility of marriage, and in the fact that, by virtue of which marriages are contracted in their country, i.e., in a manner that is considered dissoluble, they appear to have at least a presumed intention." Response: Marriage...

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis - Commentarium Officiale: « Those marriages begun with a condition arising solely from the error of one of the contracting parties, which condition that the marriage bond may be

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dissolved in the case of adultery or for other reasons, are valid. If, however, they are begun under this expressed condition, they are to be considered valid ». The Instruction of the Holy Office of the year 1877, addressed to the Bishop of Nesqualy in the United States of America, speaks in a similar manner, indicating various circumstances from which it can be determined whether the contracting parties intended to enter into marriage only conditionally, when they concluded the marriage contract and gave their consent: « Therefore, in each case, careful investigations must be made, especially to determine whether any condition has been expressly included in the agreement between the contracting parties that is contrary to the essence of marriage, or whether, at the very least, there are indications, arguments, and presumptions, also taking into account the customs of the region, so that before a Protestant minister, they contract marriage with the principal intention of, according to the practice of the Protestants, dissolving the marriage and passing on to other vows; from all of which it must be determined that the intention of the contracting parties is that they intend to enter into marriage only conditionally ». From these documents, it is clear that a) it is possible to have some intention which, however, cannot be called a positive or absolute will, to enter into a dissoluble marriage, without that very fact rendering the marriage invalid; b) that in such cases, it must be established that the intention of entering into a dissoluble bond was a condition without which consent in the marriage was not given. The authors generally note this, when, according to common doctrine, they state that an error of law regarding the indissolubility of marriage does not invalidate the marriage. Thus, Wernz, *De Matr.*, n. 228, ed. 1911: « A theoretical error or error of law, even concerning the essential goods of marriage, i.e., unity, indissolubility, fidelity (sacramentality), does not, as an error, but only as a condition without which the agreement was made, invalidate the marriage, due to a lack of consent. For those who are entering into marriage usually have the intention of entering into marriage according to the institutions of God and Christ, and, despite their errors, their positive will does not necessarily exclude the essential property of marriage. Therefore, the marriages of infidels, heretics, and schismatics, who hold erroneous doctrines, e.g., regarding the right of divorce, etc., are to be considered valid, unless they have a positive will to the contrary and manifest it externally. This positive will to exclude the essential property of marriage, since it consists of a fact, must not only be asserted, but must be convincingly proven in a favorable light for the marriage. This is done if, in truth, such a condition has been expressly or tacitly included in the marriage contract.

[*Latin ed. p. 299*]

The Roman Rota, number 299, states that "it can happen that, as sometimes occurs, from the formula for celebrating [a marriage] and the related

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clauses, both near and far, it can be gathered" (cf. Gregory XVI, April 30, 1841, to the Hungarian Bishops; Instruction of the Holy Office, March 28, 1860, and other documents in the Collection of the Holy See concerning the Propagation of the Faith, numbers 1299, 1297 seq.; Holy Office, May 18, 1892, May 25, 1898; Pirhing, ibid., n. 74; Gasparri, n. 903, edition of 1904). It is not proven that a positive will excluding the indissoluble bond can invalidate the marriage, because the dissolubility of the marriage was precisely the reason why the contracting party entered into the marriage; for error, even though it is the cause of the contract, does not invalidate the marriage. Regarding Gasparri, n. 903 seq., edition of 1904: "An error of law concerning the essential property of marriage is verified if the contracting party believes that the matrimonial bond can be dissolved, at least in some circumstance, as held by non-Catholics, and not even by schismatic Greeks... In this case, however, it is certain that there is a matrimonial consent, and therefore the marriage is valid even with a simple error of law, even if it is the cause of the contract, namely, if the contracting party, who is in this error, simply intends to enter into a true marriage, as instituted by God, etc., and the positive act of the will does not exclude the essential property of marriage, although it would exclude it if it were considered!... According to this doctrine, Innocent III, in chapter 7, on divorces, declares that the marriage between the Hebrews, who admit the bill of divorce, is valid;... likewise, the Church holds that the marriage of other non-Catholics, Greeks, Calvinists, etc., is valid, who maintain that the bond is dissolved by adultery, unless an express condition of dissolubility has been added, as the Sacred Congregation of Rome has frequently stated. Furthermore, because of the presumption in favor of marriage, a simple error is presumed until the aforementioned condition is properly proven; all the more so because that other positive act of the will is a fact, and facts are not presumed, but must be proven." Therefore, a marriage, which fears that the marriage may lead to an unhappy outcome, seeing a refuge in the divisibility of the contract, which it considers dissoluble, and thereby is induced to enter into the marriage more easily, validly contracts the marriage: for the consent does not depend on the cause for its being, although the cause, as it has an influence on the will, determining it to the act, must in some way also be intended; it is intended, namely, that the cause is not as a condition of the consent, nor as a constitutive part of the contract. Regarding this, Wernz, n. 304, edition of 1911, notes: "The cause... whatever it may be, whether true or false, honest or dishonorable, and contrary or not contrary to the substance of marriage, does not invalidate or suspend the marriage, unless it is reduced to an error concerning the person or condition, or it passes into a true condition."

[*Latin ed. p. 300*]

300 Acta Apostolicae Sedis - Commentarium Officiale « jurisdiction.

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Nam consensus matrimonialis non datur dependenter a « causa, ... sed sese habet concomitanter ad illam ». Ad factum quod attinet. In hoc matrimonio celebrando, iuxta testem sacerdotem Iacobum Gonnolly, qui tamquam a secretis Archiepiscopi Neo-Eboracensis matrimonio adstitit, hae fuerunt formulae adhibitae : « Io prendo te ... per mia legittima moglie, per averla e mante« nerla da questo giorno in seguito, nella prospera e triste fortuna, in « ricchezza e in povertà, in malattia e in salute, finché la morte non ci « separerà » : quae formula, mutatis mutandis, repetitur a sponsa. Porro, hae formulae sunt definite expressivae consensus in matrimonium perpetuum et indissolubile. Iamvero, « quia nemo existimandus est dixisse « quod non mente agitaverit » (1. 7, ff. de suppl, leg.) », praesumptioni generali quod omne matrimonium, de cuius celebratione constat, rite celebratum fuit et valide, accedit in nostro casu praesumptio particularis ex formula rituali adhibita, Annam Gould interius quoque consentisse in matrimonium perpetuum et indissolubile. Hae praesumptiones confirmantur testimonio ipsius sponsae, quae iurata dixit: « J'ai dit: -« " oui „ , parce que je me mariais, comme on se marie ordinairement. « Je n'ai pensé a rien autre ». Tres fratres eius, Howard, Georgius, Edwin, et duae sorores, dominae Addie Woodward Adams, et Edme Montgomery Grane, cum patrua, Editha Kingston Gould, omnes testantur se nunquam audisse, sive ab Anna sive ab aliis, ipsam maritum deserendi quando sibi visum fuerit intentionem expressisse, et fere omnes eorum dicunt se potius contrarium ab ipsa audisse. Ait, e. g., Howard Gould : « Je déclare que jamais je « n ' a i entendu ma sœur tenir un propos, qui indiquât qu'elle voulut se libérer des obligations qui lui imposait le mariage catholique, et, la « veille même du mariage, elle me déclarait, qu'elle aimait beaucoup « son fiancé, et qu'elle espérait bien que jamais rien ne pourrait l'en « détacher, et toute la famille de Mlle Gould était dans les mêmes sen« timents, et avait la même impression ». Omnes praedicti testes, praeter dominam Montgomery Grane, quae se nescire dicit, pariter affirmant Annam Gould paratam fuisse, quantum sciant, omnes obligationes assumere, coniugibus ab Ecclesia Catholica impositas, inter quas certo numeranda est obligatio vinculi matrimonialis perpetui. Fidem mulieri conventae adhibendam diminuere quaerit patronus actoris, principio innixus - semel mendax, semper mendax - et praetendit Annam Gould quatuor mendacia in sua depositione protulisse: at intendum non attigit. Quoad primum praetensum mendacium, etiamsi admit-

Concerning 300 Acta Apostolicae Sedis - Commentarium Officiale, the jurisdiction. For the matrimonial consent is not given dependently on a « cause, ... but exists concomitantly with it ». As for the facts. In this marriage, according to the witness, the priest Iacobum Gonnolly, who was present as a representative of the secretariate of the Archbishop of Neo-Eboracensis, the following formulas were used: « Io prendo te ... per mia legittima moglie, per averla e mante« nerla da questo giorno in seguito,

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nella prospera e triste fortuna, in « ricchezza e in povertà, in malattia e in salute, finché la morte non ci « separerà »: which formula, with necessary changes, is repeated by the bride. Furthermore, these formulas clearly express consent to a perpetual and indissoluble marriage. Indeed, « because no one is to be considered to have said « what he did not think » (1. 7, ff. de suppl, leg.) », to the general presumption that every marriage, of whose celebration there is evidence, was duly celebrated and valid, in our case is added a particular presumption that Anna Gould also inwardly consented to a perpetual and indissoluble marriage, based on the formula used in the rite. These presumptions are confirmed by the testimony of the bride herself, who stated: « J'ai dit: -« " oui „ , parce que je me mariais, comme on se marie ordinairement. « Je n'ai pensé a rien autre ». Her three brothers, Howard, Georgius, Edwin, and two sisters, the ladies Addie Woodward Adams, and Edme Montgomery Grane, along with her aunt, Editha Kingston Gould, all testify that they never heard, either from Anna or from others, that she expressed the intention to abandon her husband whenever she wished, and almost all of them say that they heard the opposite from her. For example, Howard Gould said: « Je déclare que jamais je « n ' a i entendu ma sœur tenir un propos, qui indiquât qu'elle voulut se libérer des obligations qui lui imposait le mariage catholique, et, la « veille même du mariage, elle me déclarait, qu'elle aimait beaucoup « son fiancé, et qu'elle espérait bien que jamais rien ne pourrait l'en « détacher, et toute la famille de Mlle Gould était dans les mêmes sen« timents, et avait la même impression ». All of the aforementioned witnesses, except for the lady Montgomery Grane, who says she does not know, also affirm that Anna Gould was prepared, as far as they know, to assume all obligations imposed on spouses by the Catholic Church, among which certainly must be included the obligation of the perpetual bond of marriage. The plaintiff's advocate seeks to diminish the credibility of the woman, adhering to the principle - once a liar, always a liar - and claims that Anna Gould presented four lies in her deposition: but this is not to be considered. Regarding the first alleged lie, even if admitted...

[*Latin ed. p. 301*]

The Roman Rota has determined that she has feigned being somewhat younger than she actually is, and there is no basis for the aforementioned legal claim, because it has been established that a woman who falsely states her age may still be deemed worthy of belief in all other matters. According to the plaintiff's counsel, the lie of Anna lies in her words: "I add that my father was opposed to divorce, and that he 'raised me with those ideas.'" There are two assertions here: that the defendant's father was opposed to divorce, and that he raised his daughter, Anna, according to the same concept. The list of members of the Gould family who have obtained divorces, which the plaintiff's counsel believes proves the lie, is irrelevant; it does

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not even prove the falsity of the assertions, and much less does it prove that the person making the assertions is lying, since what she says is not erroneous, but rather speaks against her own mind; it is possible that the pious woman's father, because of the lamentable examples of the Gould family in the matter of divorce, if they truly exist, took the opportunity to emphasize the necessity of a perpetual bond. "The third lie," says the plaintiff's counsel, "consists in the fact that Anna Gould dared to say 'that she had only spoken of divorce after three years from the beginning of the marriage, and not before': but the woman does not affirm this in any way, but only says that she does not remember having spoken about divorce during that three-year period." "During the first three years of my marriage, I do not remember having spoken of divorce." Furthermore, it is a new thing in law to accuse a witness of lying because other witnesses testify to the contrary. The fourth lie, the plaintiff's counsel believes, is in Anna Gould's assertion that the plaintiff's mother, while temporarily residing in Paris, designated her as a wife for her son. "Being in Paris in 1894, I had the opportunity to 'meet Mrs. the Marquise de Castellane at Miss Reed's; Mrs. the Marquise thought of me for her son.'" Here, it is not proven that Anna Gould spoke against her own mind. On the contrary, with regard to the truthfulness of the defendant, it should be noted that she stated in her testimony on June 23, 1910: "at the instigation of my sister and my lawyer, now deceased, I requested the divorce"; but later, after examining her sister's letters, from which it was clear that she had only advised her about a separation, she immediately sent a letter to the court on July 21, 1910, to correct an involuntary error: "I fear that I have been mistaken; today, 'looking at the letters of my sister, I discover that it was my request for separation that she approved, and she does not speak of divorce,' which shows a greater concern for telling the truth. There is no reason why the woman's testimony should be denied. Therefore, it is difficult to conceive that Anna Gould, at the time of the marriage contract, could have harbored any intention of divorce, which was entirely unknown to her closest relatives, her brothers and sisters, who

[*Latin ed. p. 302*]

302 Acta Apostolicae Sedis - The official commentary noted that, especially since she affirmed that she had entered into marriage in the usual manner, and that she did not remember having spoken of divorce during the first three years of her marriage. However, on the other hand, witnesses were presented who testified that on the very eve of the marriage, and afterwards, she had revealed her intention of divorce to them. Therefore, the testimonies of these witnesses must be examined. The plaintiff presented three witnesses who heard Anna Gould speaking of her intention of divorce before the marriage, the most important of whom is Prince John del Drago, concerning whose testimony further action will be taken. The other

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two are the plaintiff's brother, Count John de Castellane, and Catherine Cameron. The first testified: "It is that, one or two days before the marriage, Miss Gould told me that she was sorry to be marrying, and that she had 'only yielded to my brother under pressure.' But what reassures me is that 'she can divorce. She believes that he will always keep her; he will only keep her as long as she wants him to. If he no longer suits her, she will divorce. She is Protestant and she knows that she can divorce whenever she wants.' I then told her that she should become Catholic, and 'she replied to me: "For nothing in the world, because if I became Catholic, I would not be able to remarry, and I want to be free to do so whenever I want." As I recalled in my note on the very morning of the marriage, Miss Gould had charged (Don Giovanni del Drago) to inform my brother that she would divorce whenever she wished." Catherine Cameron stated: "I am certain that before the marriage, in front of me and in front of several other people, Miss Gould said that she would divorce if she was not happy. She told me this to me, in response to a question that I was asking her about her marriage. I was asking her if she was sure of being happy with Mr. Boni de Castellane, and her answer was: 'If he does not make me happy, I will divorce him.' In America, almost all young girls who get married have this intention of using divorce if the marriage does not make them happy." Undoubtedly, according to the testimony of witness John de Castellane, Anna Gould declared her intention of obtaining a divorce whenever she saw fit; but at the same time, she clearly revealed the basis and nature of this intention, namely, that being attached to the Protestant sect, she believed she possessed the privilege of Protestants to dissolve marriage, as she erroneously thought, and that she would not hesitate to use it if she deemed it necessary: "If he does not suit me, I will divorce him. I am Protestant, and I know that I can divorce whenever I want." These words clearly indicate that this woman repeated the possibility of dissolving the bond; not, however, from an act

[*Latin ed. p. 303*]

The Sacred Roman Rota, in a certain sense, through its own will, limited the consent required for marriage, positively excluding the indissolubility of the bond, but for a reason entirely foreign to its own will, namely, due to the Protestant doctrine, specifically regarding the dissolubility of marriage, which it, as a non-Catholic entity, considered itself able to follow as a norm: "I am Protestant, and I know that I can divorce whenever I want." Thus, the consent to marriage was given, as others ordinarily give it, with a privileged status, so to speak, inherent to the Protestant religion, as this religion seemed to allow it to enjoy itself, and it believed that it could maintain this state, for as long as it adhered to this religion. The witness, John of Castellane, continues: "I then told her (i.e., immediately after the woman's declaration regarding her power, by reason of the Protestant reli-

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gion, to divorce at will), that she should 'certainly become Catholic,' and she replied: 'For no reason in the world, because I would not be able to remarry, and I want to be free to do so, whenever I want.'" Thus, according to the woman's view, a simple conversion to the Catholic faith, which holds marriage to be indissoluble, would, by abandoning the sect that allows for a dissoluble bond, take away her freedom to enter into other marriages, a freedom she enjoyed as a non-Catholic. Here, we clearly see an error in the law concerning the indissolubility of marriage, and the intention to use divorce, based solely on this error; for, as we have seen, the indissolubility is an essential element of the marriage contract, immutably established by God Himself for the entire human race, which cannot be changed by any human law, nor by any non-Catholic, nor even by a Catholic doctrine; this essential element can certainly be excluded by one of the parties entering into the contract, when acting freely, and obligated to give free consent; but if it is deliberately excluded, the marriage contract does not exist. However, it would be in vain to seek in the declarations of Anne Gould, as reported by the witness John of Castellane, any trace of this own will, positively excluding the indissolubility of the bond. The woman's erroneous and partial opinion seems, according to the witness's testimony, to have been the reason why she finally decided to enter into marriage: fearing that she might be subjected to troubles in married life due to the infidelity of her husband, she saw a refuge in the divisibility of the contract, permitted by her Protestant religion, in order to free herself from this unhappy fate, and therefore she believed that she could approach marriage more securely; she said: "But what reassures me is that I can divorce... I am Protestant, and I know that I can divorce whenever I want." But error, even in this case, does not invalidate the contract, as has been said.

[*Latin ed. p. 304*]

304 Acta Apostolicae Sedis - Official Commentary. Perhaps the woman was of such a mind that, if she deemed it necessary to preserve her liberty, she would indeed exclude the indissolubility of the bond; however, besides the fact that it is not certain from the records that she had such a disposition, and even if it were certain, it would not affect the validity of the marriage, since we are dealing with an intention that is not real and positive, but merely interpretative, which, indeed, in reality does not exist, and therefore has no effect, but only appears to have existed in a certain unverified hypothesis! Truly, this woman could not have seen any necessity to exclude, by the force of her own will, the perpetual obligation of the bond, since, according to her declaration as reported by a witness, she was deeply convinced that this obligation had already been effectively excluded for her, by an external cause, namely, by the doctrine of the heretical sect to which she belonged: "I am Protestant, and I know that I can divorce." Indeed, according to her erroneous conception, she believed that it was her right,

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simply because she was Protestant, to have the power to divorce; therefore, she precisely refused to obey John de Castellane when he urged her to embrace the Catholic faith, for this very reason, lest she lose the liberty to enter into other marriages, a liberty that came to her from the Protestant religion: "For no reason in the world, because if 'I became Catholic, I would not be able to remarry, and I want to be free to do so, whenever I wish.'" She considered it sufficient to take care of her future happiness by exercising, at the opportune time, the power to dissolve the bond, a power that came to her from elsewhere: "If it no longer suits me, I will divorce." She could not even conceive of imposing any limitation on her consent in entering into the marriage, because she could not perceive the usefulness of such a restricted consent, convinced as she was that the indissolubility of the bond was already excluded by reason of her Protestant religion. Therefore, the woman was in a similar situation to that of a man who, having erroneously acquired a subjective certainty about the wealth of a certain girl, marries her because she is rich; the error inherent in his mind, and which is the cause of the contract, does not invalidate the marriage. Anne Gould, according to the declarations reported by a witness, believed erroneously that it was her right to use divorce because she was Protestant, and therefore entered into marriage, or rather, contracted marriage, with P. Boni de Castellane, because the contract is divisible; the error concerning the indissolubility of marriage, inherent in her mind and which is the cause of the contract, according to the common doctrine explained above and confirmed by pontifical documents, does not invalidate the marriage. In the first example given, the cause is not contrary to the substance of marriage; in our case, it is different; but whatever the cause,

[*Latin ed. p. 305*]

The Roman Rota, as stated by Wernz, cited above, holds that "contrary or not contrary conditions of marriage do not invalidate the marriage, unless... they pass into a true condition." For the consent to marriage is not given dependently on a condition, but "exists concomitantly with it." A condition of marriage cannot pass into a true condition except through a positive act of the will of the contracting party, by which it becomes a constitutive part of the contract, or, as they say, is brought into the marriage agreement; or, which amounts to the same thing with respect to the condition of marriage in the present case, when a dissoluble bond is positively and absolutely intended as part of the contract, and therefore cannot be a true marriage contract. However, the auditors note that there is no indication in the woman's declarations, as related by a witness, of such a positive and absolute will on the part of the bride, but everything is explained by her erroneous persuasion about the dissolubility of the bond, which gave, at least in part, a condition to the contract. Catherine Cameron testifies about the intention of Anne Gould, which she declared to her before the marriage

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(how long before, we do not know), that she would dissolve the marriage if it had an unhappy outcome: "I asked her (Miss Gould) if she 'was sure of being happy with Mr. de Castellane, and the answer was: 'If he does not make me happy, I will divorce him.'" This declaration is more general than the one made by the defendant to the witness, and therefore, according to the rule of interpreting testimonies, it should be understood in a sense contrary to the more specific deposition of the other witness, to which it does not contradict. Certainly, it does not express a limitation of the consent given to the marriage. In fact, Catherine Cameron understood that the bride entered into the marriage in no other way than almost all young women in the United States of America, but in the manner of her country; she adds: "In America, 'almost all young girls who get married have this intention 'to use divorce, if the marriage does not make them happy.'" It would be wrong to say that almost all women in this vast region positively exclude the indissolubility of the bond when giving their consent to marriage, nor should it be thought that witness Cameron intended this. The depositions of other six witnesses, who heard Anne Gould speaking about her intention regarding the marriage after the marriage, do not present any other meaning than that indicated in the testimonies to be considered of the two main witnesses, namely, that Anne Gould, as a Protestant, in the manner of Protestants, as an American, in the manner of her country, entered into the marriage; from which, as a conclusion, follows the opinion given to the defendant by the witnesses, that she contracted a marriage intending it to be dissoluble, and therefore could dissolve the bond at her pleasure. The witnesses shall be heard.

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis - Commentarium Officiale. The father of the plaintiff, who also testified regarding the pre-nuptial discussions, stated: "On the very morning of the marriage, my son Jean and the Prince del Drago 'came to inform me of a scene that had transpired between them and Anne Gould. The latter had stated very clearly that she was Protestant, and that she would remain so, in order to have the faculty of divorcing, whenever it seemed good to her... that the marriage did not entail for her an 'irrevocable bond, and that she would leave it. What my daughter-in-law had said before the marriage, she repeated very often after the marriage.'" The mother of the plaintiff stated: "It was a few months after the marriage that she 'told me the same thing herself, while she was at my home in Rochecott, and here are the circumstances. She had come to attend Mass in the chapel of the castle, and upon leaving, I thanked her, but she immediately said to me: 'I will never become Catholic, because I want to be able to divorce.' It was then, recounting this reflection, of which I was astonished, to my son Jean, that she told me that immediately before the marriage, she had made the same statement before him, which I have recalled above."

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Count Ioannes de Montebello testified: "Anne Gould told me and 'repeated to satiety, what she was also saying to everyone else: 'In America, it is very convenient; when the husband ceases to please, one starts a new life with another. And I will not fail to do so, if I am not content with Boni.'" I also heard that it was for this reason that Anne Gould never wanted to convert to Catholicism." Countess de Montebello testified: "Anne Gould, having become Countess Boni de Castellane, told me at least on two occasions the following: 'In my religion and in my country, it is much more convenient; one leaves one's husband when one is not content.' And saying this, 'she was responding to a reflection that I made to her concerning her non-conversion to Catholicism. She had so little understanding of the Catholic marriage and the consequences it entails, that she did not hesitate to tell me: 'If my children, later, do not satisfy me fully, I will deprive them of my inheritance.'" The intention of Anne to divorce is attributed by the witness to a completely false concept that she had of the marriage contract; she continues: "These reflections 'which showed the false idea that she had of a marriage as a temporary arrangement, like a play, where one enters and from which one leaves, had always made me tremble for the happiness of Boni de Castellane. When the separation occurred, I was not surprised; I had expected it.'" Marchionissa de Talleyrand testified: "On another day, when 'we were walking in the countryside, I said to her: "Your children are..."

[*Latin ed. p. 307*]

The Roman Rota, 307: "Catholics, you pray to become Catholic yourselves." "She replied to me: 'Never in my life, because if I became Catholic, in the event that Boni behaved badly, I would no longer be able to divorce.'" The following is the testimony of the Duke of Luynes: "She (Anna Gould) told me several times to myself that the day she had had enough, she would divorce, that it was commonly done in America, and that her Protestant religion, which she had wanted to keep, perfectly admitted divorce and another marriage; she said in particular: 'When one no longer agrees, one divorces and changes husbands.'" In the conversation that I had with her, I understood that what I had previously considered to be mere jests on her part was the real expression of her thoughts. She then said to me: "You never wanted to believe that I had not adopted your stupid French ideas, and that I had always kept my American ideas, authorizing me to divorce when I wanted. This is even the main reason why I did not want to become Catholic." It was very shortly after her marriage, no more than a year, that I heard Anna Gould express her ideas about divorce, and say that it was natural and legitimate to use it, that it was commonly done in America, and that it was very good. She was not yet announcing her intention to use it for herself, but it was very clear to me, from her words, that the day she was tempted to use it, she would not hesitate." This testimony

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of the Duke of Luynes sheds a clearer light on what other witnesses say about Anna Gould's intentions, namely, that she considered it "legitimate and in accordance with nature" to divorce, because "this is the custom of her country, this is what her Protestant religion teaches, to which she adheres and which she would therefore not want to abandon," for she was deeply convinced of the honesty of this marriage. "I have always kept my American ideas that authorize me to divorce," and from this she claims the freedom to divorce, when it pleases her. The witnesses cited above, questioned by the plaintiff, all, except Catherine Cameron, testify that Anna Gould intended to divorce in the event of a flawed marriage, a concept taught by her Protestant religion: Witness Cameron understood that she entered into marriage as is done in her country, where she says: "Almost all American girls, approaching marriage, have the intention of divorcing if their marriage leads to an unhappy outcome." Other witnesses, namely the Count John, and the Countess de Montebello, and the Duke of Luynes, assign the custom of her country as a partial source of Anna's flawed concept.

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis - Official Commentary. The testimonies, therefore, demonstrate that the intention of the woman to dissolve the marriage is deeply rooted in her erroneous conception of the same marriage, springing solely from error and surrounded by it. Indeed, an erroneous opinion regarding the dissolubility of marriage, coupled with a relative intention to use divorce, is not sufficient to invalidate the marriage contract, as we have seen from the decree of the Holy Office of February 4, 1891: "Nor are marriages easily to be declared invalid, because they were entered into with an opinion or with an intention of divorce. For only such an erroneous opinion and intention invalidate the marriage, when they have been brought into the agreement." For it is always to be presumed that the contracting parties had the will to enter into marriage according to God's institution, a knowledge which divine providence does not allow to be completely obscured, notwithstanding contrary laws of the state, or doctrines of any religion. Thus, the Church has always presumed from the beginning, and has recognized the unions of pagans and heretics as true marriages, as reported by the decree of the Holy Office of December 9, 1895, although the condition of marriages among the Romans in the time of St. Paul was such (namely, with the prevailing custom of sending a messenger to the woman for almost any pretext, and of taking another), yet the Apostle presupposes that just and legitimate marriages existed among the infidels. Likewise, Pius VI notes in his letter to the Archbishop of Pragensem, after presenting the arguments of Benedict XIV, adding: "But the most powerful reason is that which we touched upon above, deduced from the fact that, unless such unions of

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non-Catholics were true, the entire Church would have been in error for so many centuries, which, receiving non-Catholic spouses returning to the faith as true spouses, although imbued with wicked errors concerning marriage, receives them as true spouses, even though they had contracted it previously in their sect, unless a condition repugnant to the substance of marriage had been expressly included in the agreement, or some other canonical impediment existed." Therefore, the will of the spouse, even externally expressed, with which he intends to contract marriage "in terms and according to the meaning of civil law, which admits of divorce," which would seem to imply an intention to dissolve the bond, according to the doubt cited above, proposed to the Holy Congregation of the Holy Office on December 11, 1850, or even according to the tenets of heretics, or the customs of the people, who admit such a divorce "as legitimate and in accordance with nature," does not invalidate the essential obligation of the perpetual bond: because, firstly, in such laws, customs, and tenets of heretics, no authority whatsoever can be recognized, not even a directive, by which the substantial obligation of the contract, established by God, would be excluded; secondly, because such an implied will would be superseded and dominated, to use the words of Benedict XIV cited above, by the general will.

[*Latin ed. p. 309*]

Saint Montana Bota 309: The spouse intends to enter into a true marriage, as instituted by God. Therefore, the Holy Congregation of the Holy Office does not admit the invalidity of marriage simply because "it was contracted according to the custom of universal divorce" (Response cited above, of March 11, 1860), or "in the sense and terms of the civil law, which admits of divorce" (Response cited above, of December 10, 1850).

In order for a marriage to be invalid, it is required that there be an explicit will, by which the contracting party simply and absolutely intends to exclude the perpetual bond: in this case, it makes no difference whether this absolute and explicit will is expressed according to the civil law, or the custom of the country, or the doctrine of heretics, or in any other way. For these will be mere external indications of the internal and absolute will of the contracting party, which conform to it not so much as norms of a limited consent, as that they choose them as external signs of their limited consent, absolutely excluding the perpetual bond.

However, in order to prove this absolute will of the contracting party, it must be demonstrated, according to the decrees of the Holy Office cited above, that the exclusion of the perpetual bond was a condition without which consent in marriage was not given, or that it was included in the agreement.

Indeed, examining the depositions of the witnesses cited above, we find no witness who states that Anne Gould, in many conversations she had

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with friends and relatives regarding the intention of divorce, or even once, said that she had given her consent in marriage by limiting it with the exclusion of the perpetual bond: she never, that is to say, manifested her own will to the act, excluding the perpetuity of the bond.

On the contrary, all and each testified that she constantly declared that "she could have divorced because 'this is what the Protestant Church teaches, to which she adhered, and this is what the custom of her country holds.'"

However, there is one witness who testified that Anne declared to him immediately before the marriage her intention to give her consent on the condition that the marriage be dissolved if the husband violated conjugal fidelity: this is Prince John del Drago, who said: "I remember that on the very morning on which the marriage was to be celebrated, finding myself in a room near the one in which the bride was (in the house of Mr. Giorgio Gould, the bride's older brother, and in whose house the marriage was being celebrated), I heard her crying and speaking excitedly, so much so that I could distinguish what was being said. As I approached, I was called by the bride herself, who, in a state of agitation, told me that she was not at all sure of the affection of the groom, and feared doing him harm, in any case, she explicitly declared that she was marrying on the condition of being free to divorce as soon as she saw..."

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis - Commentarium Officiale "transmitted by the bridegroom, and for this reason he begged me to communicate "such her statement clearly to the bridegroom. (If there were others present at "this her declaration, he responds): "There was one of the bridesmaids, "whose name I do not recall, and I do not know whether the bridegroom's "own brother could have heard this declaration, but I believe that he "could have heard it, so that when we discussed it together, "a few minutes later, it was nothing new to him. (The communication "of what is mentioned above, that is, to report the condition imposed by "the lady before the celebration of the marriage, was carried out by the "witness, and when?) "Resp. I did it immediately before the marriage. The bridegroom "showed himself to be very pained and wounded in his religious feelings, but "he did not believe in breaking off the marriage, in order to avoid a scandal: "this communication was made by me confidentially to the bridegroom in a "corner of the room, without the presence of others.... I believe that, "given the character of the bride, she made this declaration to several "people, and I know for certain that she made it to the bridegroom's "mother, to the bridegroom's brother, and to the bridesmaid. These three "people told me this." This witness is unique and singular regarding the condition "contrary to the perpetuity of the marriage, imposed in addition to the "marriage consent; except, of course, for the plaintiff, whose testimony, "as

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it appears, has no legal value; and therefore, the statement of "Dom John of Drago cannot be proven, even if there were no special "reason to doubt whether he accurately reported the declaration of "Anne Gould made to him. But such a reason for doubt exists in this "case; for, regarding the deposition of this witness, the Auditors note: 1) "the declaration made to him about the condition imposed on the marriage "consent was immediately communicated to the plaintiff's brother, John "of Castellane, as Dom John of Drago affirms; 2) the plaintiff's own "father also testified that he heard from Prince of Drago, before the "marriage, the declaration made by the bride to him; 3) the same "Prince of Drago testifies "from his certain knowledge" that the "same declaration was repeated to him by the bride, to the bridegroom's "mother and to Catherine Cameron, who "appears to be a lady-in-waiting" (bridesmaid), of whom the witness speaks; indeed, none of these four witnesses mention a single word about the condition imposed on the marriage consent in the declarations made to them, either directly by Anne Gould or communicated by Prince of Drago. John of Castellane says: "The morning of the wedding, Dom Giovanni of Drago and I "spoke about the state of mind of Miss Gould, and we were saddened to "see my brother marry a young woman who "affirmed her intention to divorce (as stated above, in this sense Anne said..."

[*Latin ed. p. 311*]

The Roman Rota, in number 311, affirmed, namely: "I am a Protestant, and I know that I can divorce." Don Giovanni del Drago told me, even on the morning of the wedding, "that Miss Gould had charged him with informing my brother of her intentions 'to divorce.'" The father of the actor said: "On the very morning of the wedding, my son Jean and Prince del Drago came to me to tell me of a scene that had taken place between them and Anna Gould. The latter had told them very clearly that she was a Protestant, and that she would remain so in order to have 'the faculty of divorcing, whenever she pleased... that marriage did not entail for her an irrevocable bond, and that she would leave it...'" Certainly, the Prince del Drago heard nothing on that very day of the marriage concerning the bride's intention to use divorce, except what she herself told other witnesses, namely, that she intended to dissolve the marriage based on a misunderstanding of the law. Catherine Cameron, as we have seen, believed that Anna entered into the marriage no differently than almost all American girls: and she heard only from the bride that she intended to dissolve the marriage if an unhappy outcome should occur, without mentioning any condition whatsoever. The mother of the actor, saying nothing about any condition, asserts only that Anna claimed for herself the freedom to dissolve the marriage at her pleasure, because she was not Catholic, or because it was so customary in her country, and that she considered it legitimate and honorable. Otherwise, it is scarcely credible that the bride

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would have imposed a condition excluding a perpetual bond at the hour of the marriage, and never have mentioned it afterward, although the word "divorce," as the Duke de Luynes said, "was always on her lips." ("Elle n'avait que le mot du divorce sur les lèvres.") Therefore, following the legal rule, which commands that testimonies, as far as possible, should be reconciled, considering the circumstances, it is clear that Prince del Drago reported to the father and brother of the actor the declaration made to him by the bride, and according to the testimony of that same witness, and "certain knowledge," he communicated the same declaration concerning the intention of divorce to the mother of the actor and to Catherine Cameron; these four witnesses, who testify about the declarations of Anna Gould, whether made to them or related by the witness del Drago, agree among themselves, but they heard nothing about any condition; whereas John del Drago, who disagrees with all of them, does not claim to report the bride's very words, but rather the meaning of those words, it is at least more probable that Anna Gould spoke to Prince del Drago on that very day of the marriage in a different sense than she spoke to other witnesses at different times, who heard nothing about a condition contrary to the bond.

[*Latin ed. p. 312*]

31. They heard the records of the Apostolic See; and the principal witness, del Drago, after ten years, did not accurately recall the details of the declaration made by the bride, and other witnesses, namely, the father and brother of the plaintiff, to whom the bride communicated this declaration, which was scarcely received, or the mother of the plaintiff and Catherine Cameron, to whom, according to the "certain knowledge" of the aforementioned witness, del Drago, the same declaration was made by Anna Gould. It is true that the plaintiff testified about the condition regarding marriage, which was reported to him by the prince del Drago on the very day of the wedding, but the testimony of the plaintiff in this matter must be entirely disregarded, not only because the confession of a spouse against the bond after the celebration of marriage, especially in a judicial inquiry, is of no value (cap. 5, De eo., lib. 4, tit. 13; Decretal.; Instruct. Austr., nn. 148, 169), or because the plaintiff is a witness testifying in his own favor, but also because he recounts circumstances regarding the communication he received on the very day of the wedding, which other witnesses, either explicitly or implicitly, deny. He says: "From my brother Jean, who, on the same day (of the wedding) and 'in the same circumstances,' was trying to reason with her, she made the same 'exposition of principles,' also charging him with repeating to me what she had just told him. To my brother Jean and the prince del Drago, who were together shortly afterward, and so that there would be no mistake, she repeated to both of them what she had said to each of them individually, etc." His brother, John, states that the

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declarations made to him by the bride were not made on the very day of the wedding, but one or two days before the wedding, or on the eve of the wedding; he denies that the bride gave him the commission to announce these things to his brother. D. John of Castellane and D. John del Drago implicitly deny that the bride made the declaration to them together on that very day of the wedding. The aforementioned circumstances are not entirely accidental, because if they were true, they would more clearly demonstrate the deliberate intent of the bride regarding the divorce. Therefore, from the considerations of the testimonies mentioned above, the deposition of Anna Gould, who stated that she entered into marriage "as one usually does when one gets married. I thought of nothing else," is consistent with the testimonies of all the witnesses, except for D. John del Drago, who were presented by the plaintiff, who declare that the defendant maintained her intention of using the divorce, not indeed from a limitation of her consent given in the marriage, or by reason of some act of her own will; but from certain facts entirely foreign to her will, namely, from the doctrines of the Protestant sect to which she was devoted, and from the customs of her country. Considering all of this, both in law and in fact, and invoking the name of Christ, We, the undersigned Auditors of Turno, sitting as a tribunal,

[*Latin ed. p. 313*]

The Sacred Roman Rota, having only God before our eyes, decrees, declares, and definitively judges concerning the proposed question: Whether the decision of this Rota of March 1, 1913, should be confirmed or reformed in this case? We answer: Negatively to the first part, affirmatively to the second; that is, that it does not appear that the marriage is null in this case. Furthermore, we decide that all judicial expenses are to be borne by the plaintiff. Thus we pronounce, commanding the ordinary officials and ministers of the tribunals to whom this pertains, that they should order the execution of this our definitive judgment, and against those who resist, they should proceed according to the Holy Canons, and especially chapter 3, session 25, of the Council of Trent, employing those executive and coercive means which may prove more effective and appropriate for the circumstances. Rome, in the Seat of the Sacred Roman Rota, on the 8th of February, 1915. John Prior, Presiding. L. S. Aloysius Sincero. Joseph Mori. From the Chancery, March 9, 1915. Rev. T. Tani, Notary.

DIARY OF THE ROMAN CURIA

SECRETARY OF STATE

In the name of the Holy Father, the following have been appointed:

April 16, 1915. — Mons. Clemente Micara, formerly Secretary of the Apostolic Delegation to the Republic of Argentina, Auditor of the Apostolic

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Nunciature of Belgium. — Mons. Vincenzo Misuraca, Secretary of the Apostolic Delegation to the Republic of Argentina.

June 1. — Mons. Giuseppe Petrelli, titular Archbishop of Nisibi, Apostolic Delegate to the Philippine Islands.

June 13. — His Eminence Cardinal Francesco di Paola Cassetta, Protector of the Shrine of the Most Holy Mary of Tears in Foligno. — His Eminence Cardinal Anthony Vico, Protector of the Institute of the Angels Custodians of Bilbao.

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis - Official Commentary, June 13, 1915. — 11 Reverend Fathers, Monsignor Leonida Perrin, Consultor of the Sacred Consistorial Congregation. June 14. — His Excellency, the Most Noble Prince Don Giuseppe Aldobrandini, Captain Commander of His Noble Guard. By Apostolic Briefs, the Holy Father deigned to appoint: Domestic Prelates of His Holiness: June 1, 1915. — Monsignor Francesco Topp, of the diocese of Florianopolis. June 2. — Monsignor Francesco Marmaggi, secretary in the Holy Congregation for Extraordinary Ecclesiastical Affairs. June 4. — Monsignor Leonardo Masulli, archdeacon of the cathedral of Monopoli. June 8. — Monsignor Doctor Dionigi Savage, of the diocese of Mobile, in the United States of America. — Monsignor Duncan Mac Queen and Monsignor Giovanni C. Meany, of the diocese of Aberdeen. HONORS By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: June 4, 1915. — To His Excellency, the Most Noble Doctor Giuseppe Luigi Murature, Minister of Foreign Affairs of the Republic of Strasbourg. June 9. — To the Most Noble Don José Santiago de Mendaro y de la Rocha, Marquis of Casa-Mendaro. June 16. — To His Excellency, the Most Noble Doctor Professor Alessandro Lira, Minister of Foreign Affairs of Chile. The Commanderate of the Order of Saint Gregory the Great, civil class: June 1, 1915. — To the Most Noble Michele Bert, of the archdiocese of Turin. June 10. — To the Most Noble Cavaliere Pietro Diamilla Magnelli, of Rome. The Knighthood of the Order of Saint Gregory the Great, civil class: May 14, 1915. — To the Most Noble Francesco Bulgheroni, of the diocese of Nizza. The Knighthood of the Order of Saint Gregory the Great, military class: June 7, 1915. — To the Most Noble G. Damiano Leclaire and Cleofa Roy, of the archdiocese of Montréal. The Knighthood of the Order of Saint Sylvester the Pope: May 18, 1915. — To the Most Noble Augusto Pisani-Milvi, of Rome. June 1. — To the Most Noble Antonio Cándelo, surveyor, and Spirito Nejrotti, of the archdiocese of Turin.

[*Latin ed. p. 315*]

From the Roman Curia Diary, 315.

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OFFICE OF HIS HOLINESS

By the tickets of His Eminence, the Most Reverend Monsignor, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

January 1, 1915. — Monsignor Giovanni Beliczky, of the diocese of Rosnavia. — Monsignor Albert Bobák, of the same diocese. — Monsignor Stefano Ditteb, of the same diocese. — Monsignor Emerico Káposztássy, of the same diocese. — Monsignor Francesco Sass, of the same diocese.

January 26. — Monsignor Stefano Breyer, of the archdiocese of Strigonia. — Monsignor Stefano Csárszky, of the same archdiocese. — Monsignor Evaristo Czaykowski, of the same archdiocese. — Monsignor Alessandro Eruszt, of the same archdiocese. — Monsignor Albert Haliczky, of the same archdiocese. — Monsignor Giuseppe Mössmer, of the same archdiocese. — Monsignor Emanuele Pokorny, of the same archdiocese. — Monsignor Albert Turi, of the same archdiocese. — Monsignor Francesco Végh, of the same archdiocese. — Monsignor Alfred Zubriczky, of the same archdiocese. — Monsignor Giuseppe Kováts, of the same archdiocese.

January 30. — Monsignor Giuseppe Lehner, of the archdiocese of Vienna. — Monsignor Carlo Handloss, of the same archdiocese. — Monsignor Giovanni Ellinger, of the same archdiocese.

February 23. — Monsignor Tommaso Tynan, of the diocese of Kildare and Leighlin. — Monsignor Edoardo Burke, of the same diocese.

Honorary Chamberlains in purple vestments of His Holiness:

November 21, 1914. — Monsignor Domenico Moauro, of the diocese of Treviglio.

December 5. — Monsignor Domenico Thierrin, of the diocese of Lausanne and Geneva.

December 9. — Monsignor Pietro Pizzardini, of the diocese of Feltre and Belluno.

December 22. — Monsignor Domenico Bortoli, of the diocese of Padua.

January 26, 1915. — Monsignor Ladislao Babura, of the archdiocese of Strigonia. — Monsignor Desiderio Demény, of the same archdiocese. — Monsignor Emerico Majer, of the same archdiocese. — Monsignor Luigi Zelliger, of the same archdiocese.

February 23. — Monsignor Angelo Bellinzoni, of the diocese of Lodi.

March 4. — Monsignor Claudio Alvares, of the archdiocese of Goa. — Monsignor Giovanni de Almeida, of the same archdiocese. — Monsignor Lucio Vaz, of the same archdiocese.

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis - Official Commentary. Honorary Chamberlains of Spada and Cappa, extraordinary: March 17, 1915. — Mr. Giacomo

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Smith-Brennan, of the diocese of Wilmington. Secret Chamberlains of Spada and Cappa, extraordinary: October 15, 1914. — Mr. Marchese Felice Santangelo, of the archdiocese of Naples. November 15. — Mr. Cavaliere Alessandro Rawlinson, of the archdiocese of Westminster. December 22. — Mr. Cavaliere Alessandro Wilmot, of the Cape of Good Hope. February 26, 1915. — Mr. Commendatore Salvatore Randazzo Gueli, of the archdiocese of Palermo. March 8. — Mr. Edgar Nölting, of the diocese of Osnabrück. March 17. — Mr. Barone Carlo Maria di Elverfeld, of the archdiocese of Münster. Honorary Secret Chaplains of His Holiness: November 12, 1914. — Monsignor Pio Azzalli, of the diocese of Ravenna. January 11, 1915. — Monsignor Giulio Laczek, of the diocese of Rosnavia. — Monsignor Giovanni Pajer, of the same diocese. January 26. — Monsignor Marco Berger, of the archdiocese of Strigonia. — Monsignor Carlo Erdösi, of the same archdiocese. — Monsignor Agostino Fischer, of the same archdiocese. — Monsignor Giorgio Hofbauer, of the same archdiocese. — Monsignor Giuseppe Metzker, of the same archdiocese. — Monsignor Guglielmo Zelliger, of the same archdiocese. — Monsignor Ignazio Szamord, of the same archdiocese. — Monsignor Teodoro Bussay, of the same archdiocese. Honorary Chamberlains *extra Urbem* of His Holiness: January 11, 1915. — Monsignor Giuseppe Stubendeck, of the diocese of Rosnavia. January 26. — Monsignor Ignazio Magdics, of the archdiocese of Strigonia. NECROLOGY: June 6, 1915. — Monsignor Carlo Amai du C urei, Bishop of Monaco (Principality). June 7. — His Excellency, Prince D. Camillo Rospigliosi, Commander of the Noble Guard of His Holiness. June 16. — Monsignor Ludovico Filippo Adelardo Langevin, of the Oblates of Mary Immaculate, Archbishop of St. Boniface (Canada).

[*Latin ed. p. 317*]

Year VI - Vol. VII, July 20, 1915, No. 12.

ACTA AP. SEDIS COMMENTARIA.

OFFICIAL ACTS OF POPE BENEDICT XV.

APOSTOLIC CONSTITUTION CONCERNING CHAPLAINS, CANONS, AND CHORAL SINGERS OF THE BASILICA OF LIBERIA.

BENEDICT, Bishop, Servant of the Servants of God, for the perpetual memory of the matter, declares:

Since it has long been known to Us that the Venerable Brother, Our Cardinal, Archpriest, with the College of Canons of Our Patriarchal Basilica of Liberian, strives with great zeal to ensure that the sacred functions are performed with the utmost devotion in the most noble temple of the Mother of God, and since We have gladly learned that they are especially concerned

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with the proper and pious use of the Gregorian chant, restoring its ancient beauty according to what Our Predecessor of holy memory, Pope Pius X, most wisely prescribed in the Motu Proprio issued on November 29, 1903, We are pleased to offer Our support and assistance to those who strive for this purpose; indeed, We desire to adorn this pontifical act with a testimony of piety, especially since We have always followed the singular example of devotion to the Divine Parent, who is worshipped there most holily.

ACTA, vol. VII, no. 12. - July 20, 1915.

[*Latin ed. p. 318*]

318 v Acta Apostolicae Sedis - Official Commentary. Therefore, in order that those things which pertain to the proper function of clerics in the Church, namely, fulfilling their duties, may remain, concerning the Chaplains or Choral Singers of the Basilica of Saint Liberius, We decree and command the following:

I. – The choral singers of the Basilica of Saint Liberius shall henceforth be priests, and they shall not only be endowed with probity of character, but also, since they ought to regulate the choir with diligence, they must possess a good voice and be skilled in Gregorian chant, a skill which shall be demonstrated by a diploma from the Institute of Music established by the Holy See in the City, or by another testimony of equal authority.

II. – Four benefices of the Basilica of Saint Liberius, as soon as they become vacant, shall be reserved to the Apostolic See, and shall be conferred upon those clerics who are deemed suitable for the office of cantor, as has been said. However, Liberian clerics who are beneficed shall be preferred, if indeed they are equal in other respects, that is, in voice, skill, and diploma.

III. – It is permitted to the Chapter of the Basilica of Saint Liberius to admit four choral singers, of the kind described above, to the ranks of the chapter, to whom a benefice shall then be conferred; meanwhile, while they lack a benefice, and even after they have received it, they shall not receive any advantage from their benefice beyond what is present, and both the Apostolic See and the Chapter shall contribute equal portions to support them in a virtuous life.

IV. – A beneficed cantor who, whether by reason of age, infirmity, or other cause, is unable to perform his cantorial duties, according to the judgment of three experts in music, shall remain a beneficed cleric, but the benefice shall cease to be applied to his cantorial duties. In his place, another priest shall be appointed as cantor, under the conditions mentioned above.

V. – Beneficed cantors shall also be present in the choir, even while they are performing their duties in another part of the Basilica. Those who are beneficed shall enjoy the same rights, privileges, revenues, and distributions as the other beneficed clerics of the Basilica of Saint Liberius, and shall

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observe the same Constitutions. However, for the sake of their particular office, they shall be subject to particular laws, which We,

[*Latin ed. p. 319*]

319 The acts of Pope Benedict XV, which we have already demonstrated and which we now confirm, derogate from the Liberian Constitutions, especially in that part wherein they prescribe service in the choir for beneficed clergy. For these beneficed clergy are indeed exempt from the service of the altar, but they must serve in the choir through the intermediary [of a stipend]; and the greater effort, as well as the effort which they would have expended in the chapel and in the musical service, must be compensated for by the Chapter, taking care to provide for the remuneration of these same members of the chapel. Those who have thus fulfilled their present office according to its own laws will enjoy all the daily distributions, allowances, and manual payments, among others, and also the pecuniary penalties which are commonly called "fines," just as if they had fulfilled the service in the choir, as others do. We foster the hope that those who, as beneficed clergy, have accepted the august and magnificent office in the service of the Virgin, and who assist in the choir and in the musical service, will always diligently obey the liturgical prescriptions of the Apostolic See. Let them remember that they have undertaken a high and most worthy duty, and let them exert every effort so that the sacred chant may exist, as far as possible, in the manner that the majesty of God, the honor of the Virgin, and the piety of the Christian people require. These matters which we have established here, we entrust to the Liberian College of Canons, under the auspices of the Cardinal Archpriest, for execution; and we declare these to be valid and forever firm, notwithstanding any contrary provisions in any Apostolic Constitutions, and especially in those of particular dignity. Given at Rome, near St. Peter's, in the year one thousand eight hundred and thirty-seven, on the tenth day of July, in the first year of Our Pontificate.

P. CARD. GASPARRI

V. CARD. VANNUTELLI, Secretary of State.

Dated at the Office of Lead.

M. RIGGI, C. A., Notary, 75 Register, in Canon Law, K. — ius.

[*Latin ed. p. 320*]

Acta Apostolicae Sedis - Official Commentary 3-20. CHIROGRAPH: Concerning the insistence of His Eminence, Cardinal Prefect of the Sacred Tribunal, the competence of the Apostolic Signatura is more clearly defined and increased.

Most Blessed Father, Pope Pius X, of venerable memory, decreed in the Constitution *Sapienti consilio* concerning the new organization of the

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Apostolic Signatura: "the ancient order of the tribunals of the Apostolic See, suppressed for the sake of grace and justice, is happily restored." And the Sacred Tribunal, under the direction of its Prefect, Cardinal Vincent Vannutelli, has already yielded abundant fruits; but experience has shown that the Apostolic Signatura requires broader limits in its exercise, in order that it may most effectively fulfill its competence; and this, moreover, can be achieved, following the footsteps of the same Constitution, either through the course of time, through the development of jurisprudence, or, more certainly, by the order of Your Holiness, as if by an authentic interpretation.

Certain matters are assigned to its competence in the Law Proper (can. 37), but this is not done in a restrictive manner, but rather it is declared that these matters are proper and principal. Indeed, they are proper because they flow from the very nature of the tribunal, expressing its own characteristics; but they are principal only, so that it is not prohibited that other matters might pertain to this competence, either by connection of affairs, or by an amplification of its function, so that the execution of the same function, by necessity, might bring about such additions.

Recently, an opportunity arose in which the Holy Supreme Tribunal questioned whether a certain controversy fell within its competence. It was asked to decide on the restoration in integrum against a sentence issued by the Roman Rota in a matrimonial case, and two sentences conforming to this decision were already in place; therefore, in the Roman Rota, ordinarily...

[*Latin ed. p. 321*]

321 The acts of Saint Benedict, Pope, are renewed; therefore, the Holy Office further denied [the request]. The resolution concerning this matter, which was obtained by the Reverend Father, had to be submitted for confirmation to the authority of Your Holiness. For in canon 37, paragraph 4, of the Proper Law, it is attributed to the Apostolic Signature the power to "examine sentences which have been appealed against, for the purpose of restoring the matter to its original state." However, matrimonial causes, by their very nature, enjoy the privilege that further appeals absolutely cannot be admitted, except in the case of the res judicata, as is remembered and confirmed by the Constitution *Dei Miseratione*, in which it is stated: "The privilege of causes is always to remain firm and valid, so that the matrimonial bond, once it has lapsed, never passes into the res judicata." Therefore, in order to remove all doubt in the future, it is expedient to declare explicitly that this Supreme Tribunal also considered that the Holy Rota should examine appeals against sentences in matrimonial cases, which are not admitted by the right of appeal, nor by extraordinary recourse, due to the nature of these causes, and to admit them for a new examination. Concerning another aspect of the competence attributed to this Supreme Tribunal, namely, the complaint of nullity against a sentence

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of the Rota, it is necessary to declare that this does not merely involve declaring a sentence null and void, which is so unjust by natural or positive law as to be completely devoid of any legal foundation; for this happens only in a few cases, especially considering the jurisprudence of the Roman Curia, which has affirmed the rule: "A sentence is not null in itself, unless it is due to a defect in citation, or in competence, or in mandate." But the intention of the Prince [Pope] was certainly to assist those who, by invoking the exception of res judicata, are rejected by the Holy Rota, and who are unable to overturn the sentence of nullity, but who are supported by serious reasons which do not allow them to defend themselves, so that, whatever the judge, the sentence, by the authority of res judicata, is manifestly either contrary to the law or not sufficiently based on the truth of the facts. It seems that the Law itself intended to limit the competence in this way.

[*Latin ed. p. 322*]

322 Acta Apostolicae Sedis - Commentarium Officiale. Concerning the matter of a nullity action, which is to be considered in the judgment of the Sacred Penitentiary, the following is stated in canon 41, paragraph 3: "In the third case, it judges only on this matter; whether a total sentence has been issued, or whether there is room for circumscription." However, in the style of the Curia, circumscription is generally understood to mean the rescission of a sentence, as is assumed in the Gregorian Code, published by Motu Proprio in the year 1834, where, in paragraph 338, number 1, the competence of the Sacred Penitentiary is assigned: "regarding requests for the annulment or circumscription of judicial acts and sentences." However, since in the aforementioned law, circumscription is placed not disjunctively but conjunctively, it appears that both annulment and circumscription are contained within the same limits, and therefore, in our opinion, in this forum, it cannot be maintained that the Sacred Penitentiary can issue a total sentence except through a nullity action. Therefore, it is highly advisable to declare that a nullity action here includes not only a request for a declaration of the nullity of a sentence, but also a petition for the rescission of a sentence that is manifestly or patently contrary to law or to the truth of facts. Regarding the recourse for restitution in integrum against the aforementioned total sentences, the Holy See, with a more benign and favorable interpretation, concerning the scope of competence, has established the following rules, which were founded by this Holy See and published on March 6, 1912, to be observed in the judgments of the Sacred Penitentiary, and which were approved by Pope Pius X: and it is established in article 9 that this [restitution in integrum] is granted whenever, generally speaking, some reason or proof arises that, if not previously adduced or disputed, could prove a serious detriment, unless it is demonstrated that there is a clear and manifest basis in law for restitution in integrum, namely, for the purpose of conforming the action to the norms of common law. This exten-

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sion of the ancient institution of Restitution in Integrum, to the extent that it is directly compared to an extraordinary remedy, must be confirmed and, indeed, it is necessary that there be room for this extraordinary restitutory or revocatory action, whenever a nullity action or a rescissory action, as mentioned above, cannot be invoked. But above all, this Holy See requires that...

[*Latin ed. p. 323*]

323 The Acts of Pope Benedict XV, book 1, chapter 14, section 1, of the Proper Law, which also pertains to pontifical commissions, states: "Causes which, from either part of the Holy Roman Pontiff, have been entrusted to these [commissions], are to be judged according to the following: if an advocate has requested it, or if the Holy Rota itself has taken cognizance of the cause, whether by instigation or by its own motion, it shall judge, as prescribed in canon 12, 'in sive ad instan[tiam]' [i.e., either upon request or by its own initiative], and unless otherwise stipulated; and likewise, in the second and third instances, according to the aforementioned canon 12." For it frequently happens that petitions are presented, requesting that a question be submitted to the judicial authority of the Holy Rota for examination, or that a cause already introduced before inferior judges be brought before the Holy Rota; also, that a cause instituted before the Holy Rota be recalled and remitted for definition to some Holy Congregation; whenever this happens, or anything else of this kind is requested, which primarily concerns the administration of justice, it involves a serious matter to be expedited. Indeed, these controversies or questions cannot be properly examined and defined unless the parties concerned are heard, and after due deliberation, as has been customary in the Signatura, before the commissions sign the documents or issue their decrees, either simply or with appropriate clauses. To restore these faculties to the Signatura is to attribute to it what naturally belongs to it; which was not taken away by the Constitution *Sapienti consilio*, which affirmed that both Signaturas, of Grace and of Justice, had been given a new order, but only in that respect. By this arrangement, the Apostolic Signatura acquires a greater dignity, due to the closer connection with the Roman Pontiff, in whose name and by whose authority it examines whether it is fitting to grant the requests of those who petition the Pope, or whether the Pope himself should write something concerning the administration of justice, and it is most fitting that the tribunal of the Holy Rota, or some Holy Congregation, or even the tribunal of the Signatura itself, should be entrusted with examining and defining a particular question, with appropriate clauses added, as the circumstances require. Formerly, these matters were expedited primarily in the Signatura of Justice, but some were also handled in the Signatura of

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Grace.

[*Latin ed. p. 324*]

324 Acta Apostolicae Sedis - Official Commentary. With supplications and similar documents containing such questions being directed to the Pope and transmitted through the hands of His Auditor to the Signature, it came to pass that, as DeLuca testifies (in Disc. 30, Annot. n. 1, Relatio Curiae Rom), who was the Auditor of Innocent XI, the administration of the Signature was almost entirely entrusted to the Auditor of the Pope, just as the Signature of Grace was. This close connection between the Signature and the Pope's Auditor was explicitly affirmed by the Codex de procedura civile, published by Pius VII, by Motu Proprio on November 22, 1817; where Book VI, which deals with the Signature as a single tribunal, is entitled "The Tribunal of the Signature and the Auditor of the New Pope." The aforementioned Constitution, *Sapienti consilio*, does not seem to forbid in any way the two colleges of Prelates to again perform their duties here, one of which is called the "Votantes," and the other the "Referendarii Signaturae." Indeed, while we discuss whether the new ordinance intends to abolish these Colleges, it is greatly advisable that they be restored and brought into operation, so that, in place of the Consultors whom Canon 56, paragraph 2, mentions, they may perform their duties in the Signature in the ancient manner, so that they may be adapted to this new ordinance. The manner in which these Prelates will participate in the handling of affairs for the new H. S. Tribunal seems to be determined in the *Regulae servandae in expeditione negotiorum apud H. S. Tribunal*. I am mindful to refer this to Your Eminence, so that you may decide what seems more expedient in the Lord.

• M. CARD. LEGA, Prefect.

[*Latin ed. p. 325*]

325 Acts of Pope Benedict XV. POPE BENEDICT XV. Having heard the explanations presented, we willingly assent and grant that the competence of the Signature of Our Supreme Tribunal be extended, both in matters of nullity and in capital cases, according to what has been explained; and we decree, knowing that certain questions must be reserved for our special consideration, that petitions presented to Us beforehand concerning causes which are to be judged in the future, and concerning the individual cases of petitions in which there is an interest, shall be examined by the undersigned, and that a definition of the petition shall be made, and that, for this purpose, we restore and put into effect the two insignia [seals] of the Referendaries, so that they may be used and proceed according to the established rules; but in such a way that these Most Holy Prelates, in their deliberations, shall also consult with the other colleges, and we order that the aforementioned Signature be called; we recall, and we wish that

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this examination be complete and thorough. The Supreme Tribunal, in its deliberations, shall grant its attention to the matters presented, and shall increase the certainty of the restitution of the same, or of the nullity, as the case may be, according to what We wish, always observing that, in this manner, it shall proceed according to the Rules of the College of Consultors, which were established by the Constitution *Sapienti consilio*, canon 36, §2. We also decree that the College of Referendaries, composed of seven and an unlimited number of Prelates, shall have greater authority in this matter, contrary to anything that may be to the contrary. And this having been done, we also decree that those who shall perform this office shall receive the honors that are due to them, and we order that this be done. From the Vatican, on the 28th of June, 1915. POPE BENEDICT XV. We also decree that mention be made of the Tribunal, and of the Auditors.

[*Latin ed. p. 326*]

Acts of the Apostolic See - Official Commentary 326. HOLY CONGREGATION CONSISTORIAL. DECREE CONCERNING THE ORDINARY JURISDICTION TO BE ESTABLISHED IN THE TOWN OF POLLA. In order to resolve the difficulties and controversies that have arisen continuously over the centuries due to the mixed jurisdiction of two Ordinaries within the same town and territory of Pollà, and which, even with the best will on both sides, can scarcely be avoided, Our Most Holy Lord Benedict XV, after hearing the two Ordinaries, that is, the Bishop of Diana and the Abbot of the Most Holy Trinity of Cava de' Tirreni, and after consulting with the esteemed Fathers of the Holy Congregation Consistorial, with full certainty and the fullness of his apostolic authority, has decreed as follows:

1° The entire town of Pollà, with its territory up to the river Tanagro, including all the faithful residing there, and the parish church of the Most Holy Trinity, shall henceforth be subject to the jurisdiction of one Bishop of Diana, with the ordinary jurisdiction of the Abbot of Cava de' Tirreni being removed, both in matters concerning places and in matters concerning persons.

2° From the river Tanagro up to the parish of Saint Peter outside of Pollà, and the entire territory of this parish, as well as the church of Saint Mary of Laureto with its village, commonly called the "contrada," shall henceforth be subject to the jurisdiction of the Abbot of Cava de' Tirreni, with the ordinary jurisdiction of the Bishop of Diana being removed, both in matters concerning places and in matters concerning persons.

3° To carry out these matters, the Most Blessed Father has appointed the Reverend Father Nicholas Piccirilli, Archbishop of Compiano, granting him the necessary and appropriate powers, including the power to delegate to any ecclesiastical dignity, in order to achieve the purpose in question, and to definitively pronounce judgment on any difficulty or opposition that may arise in the execution of this decree, and furthermore, he

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is charged with sending an authentic copy of this decree to this Holy Consistorial Congregation within three months, so that it may be confirmed that these matters have been carried out.

Finally, on this matter, Our Most Holy Lord ordered that this consistorial decree be issued, with the same validity as if it were an apostolic letter sealed with the papal seal.

[*Latin ed. p. 327*]

The Holy Congregation Consistorial granted the following, notwithstanding any special circumstances that might merit mention or derogation. Given in Rome, from the Secretariat of the Holy Congregation Consistorial, on the 12th of December, 1914.

£8 C. CARD. DE LAI, Bishop of Sabina, Secretary.

L. © S. f Thomas Boggiani, Archbishop of Edessa, Assessor.

II. A QUESTION REGARDING JURISDICTION CONCERNING THE FACULTY OF GRANTING SECULAR PARISHES TO RELIGIOUS ORDERS.

The following question was proposed: "Whether the faculty of granting secular parishes to Religious Orders pertains to the Holy Congregation of Councils, or rather to the Holy Congregation for Religious."

The Most Reverend Fathers of this Holy Consistorial Congregation, after mature deliberation and with the opinion of the Consultors taken into consideration, decided in a general meeting on the 28th of June, 1915, to respond: "It pertains to the Holy Congregation of Councils, with the obligation, however, for Orders and Congregations of religious to obtain from the Holy Congregation for Religious the necessary faculty or dispensation, if their constitutions and rules prohibit them from retaining and governing parishes."

In an audience granted to the undersigned Cardinal Secretary on the 2nd of July, 1915, the Most Holy Lord Pope Benedict XV approved and confirmed the resolution.

Rome, on the 5th of July, 1915.

£8 C. CARD. DE LAI, Bishop of Sabina, Secretary.

L. % S. f Thomas Boggiani, Archbishop of Edessa, Assessor.

II. PROVISIONS REGARDING CHURCHES.

By successive decrees of the Sacred Congregation Consistorial, the Most Holy Lord Pope Benedict XV provided for the following churches with their proper pastors:

On the 1st of June, 1915, the Reverend Father Robert Brindle, formerly Bishop of Nottingham, was appointed as the pastor of the titular episcopal

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church of Tacapita.

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis - Official Commentary, June 14, 1915. — To the titular church of Lares, the Reverend Monsignor Joachim Antonium d'Almeida, Bishop of Natal. To the titular church of Gary, the Reverend Gaston Laperrinè d'Hautpoul, priest of Elne, and apostolic protonotary. — To the titular church of Claudiopolis, the Reverend Xistus Sosa, parish priest of Altagracia in the diocese of Calabozo, and doctor of Sacred Theology, appointed apostolic administrator of Guiana. June 16. — To the titular church of Etalon, the Reverend Monsignor Carolus Warren Currier, Bishop of Matanzas. June 17. — To the cathedral church of El Paso, recently erected, the Reverend Monsignor Antonium Schüler, S.J., parish priest of the church of the Sacred Heart in the city of Denver (Colorado). June 25. — To the cathedral church of Barra, the Reverend Monsignor Augustum Alvaro de Silva, formerly Bishop of Floresta. June 26. — To the cathedral church of Floresta, the Reverend Ioseph Lopes de Oliveira, parish priest of Boa Vista in the place commonly called Recite, in the archdiocese of Olinda, and apostolic protonotary. June 30. — To the metropolitan churches of Gnesen and Posen, the Reverend Edmundum Dalbor, canon of the metropolitan church of Posen. — To the titular church of Themisonia, the Reverend Paulum Jedzink, canon of the metropolitan church of Posen, appointed auxiliary to the Reverend Monsignor Edmund Dalbor, Archbishop of Gnesen and Posen, for the archdiocese of Posen. July 1. — To the titular church of Polystyla, the Reverend Antonium Mönch, doctor of Sacred Theology, appointed auxiliary to the Reverend Monsignor Michaelis Felicis Korum, Bishop of Treves. July 5. — To the cathedral church of Albano in America, the Reverend Monsignor Thomam Cusack, formerly titular Bishop of Themiscyraea and auxiliary to the Archbishop of New York. — To the cathedral church of Green Bay, the Reverend Monsignor Paulum Rhode, titular Bishop of Barcaea and auxiliary to the Archbishop of Chicago. — To the titular church of Tipasa in the province of Numidia, the Reverend Michael Gallagher, general vicar of the Bishop of Grand Rapids, appointed coadjutor with right of succession to the Reverend Monsignor Henrici Richter, Bishop of Grand Rapids. July 10. — To the titular church of Phaselis, the Reverend Monsignor Iosephum Candidum Pinol et Batres, formerly Bishop of Granada.

[*Latin ed. p. 329*]

Sacred Congregation for the Discipline of the Sacraments, July 12, 1915. – To the Reverend Father and Doctor Canon Reyes y Balladares, Dean of the Cathedral Chapter of Saint-Pol-de-Léon in Central America, of the Cathedral Church of Granada.

SACRED CONGREGATION FOR THE DISCIPLINE OF THE SACRA-

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MENTS: POWER TO PRESERVE THE MOST HOLY EUCHARIST IN MILITARY HOSPITALS AND WARSHIPS.

The Sacred Congregation for the Discipline of the Sacraments, graciously granting the petition of the Most Reverend and Right Reverend Ordinary of Castres in Italy, by the authority granted by His Holiness Pope Benedict XV, grants to him the power, during the present war, at his discretion and judgment, to grant permission, both in military hospitals and on warships where a minister of the sacred rites is present, that the Sacrament of the Most Holy Eucharist may be reserved, provided that the altar on which the ciborium will be placed is properly prepared and adequately furnished; that the Holy Sacrifice of the Mass be celebrated there at least once a week; that the key of the ciborium be carefully guarded; that a lamp shine before the Most Holy Sacrament; that the sacred Species be frequently renewed according to the rubrics; and that all other precautions, which the aforementioned Ordinary of Castres deems fitting for the diversity of circumstances and places, be observed for the safety and reverence of the Most Holy Eucharist. All contrary things being hereby expressly excluded.

Given at Rome, from the offices of the aforementioned Sacred Congregation, this 22nd day of June, 1915.

PH. CARD. GIUSTINI, Prefect.

f. Aloisius Capotosti, Bishop of Thermi, Secretary.

[*Latin ed. p. 330*]

Acts of the Apostolic See - Official Commentary 330. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE CONCERNING THE LIMITS BETWEEN THE APOSTOLIC VICARIATES OF TONKIN SOUTHERN AND TONKIN MARITIME IN THE MOUNTAIN REGION OF CHAU-LAO.

Hitherto, the Apostolic Vicariates of Tonkin Southern and Tonkin Maritime have been divided by the northern boundary of the civil province of Nghê An, and by the southern boundary of the province of Thanh Hoa. However, it has recently been discovered that the provinces mentioned have been subject to frequent changes, especially in the mountain region called Gbâur-Lào, so that it is expedient to establish a more stable boundary between the two. Therefore, the Most Reverend and Reverend Fathers of this Sacred Congregation, in a general meeting held on the 17th of last month, deliberated on this matter.

After considering all things, and especially the opinion of the Ordinaries who preside over the aforementioned Vicariates, these Reverend Fathers judged that the boundary between the Apostolic Vicariates of Tonkin Southern and Tonkin Maritime, in the mountain region called Châu-Lào, should be determined by the line of division of the waters.

This opinion of the Reverend Fathers, having been reported to His Ho-

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liness Pope Benedict XV by the Reverend Father Secretary of this Sacred Congregation, in an audience on the 14th of June, His Holiness was pleased to approve and ratify it in all respects, and ordered the issuance of the present Decree on this matter.

Given at Rome, from the offices of this Sacred Congregation for the Propagation of the Faith, on the 21st of June, 1915.

Fr. H. M. CARD. GOTTI, Prefect.

C. Laurenti, Secretary.

[*Latin ed. p. 331*]

The Holy Congregation for the Propagation of the Faith, 331 II, DECREE CONFIRMING THE ELECTION OF THE ABBOT OF NOVA NURSIA IN AUSTRALIA. On the 5th of October of the year 1914, the most pious Reverend Father Fulgentius Torres, O.S.B., Abbot of the Territorial Abbey of Nova Nursia, administrator of the Apostolic Vicariate of Kimberlie, and titular Bishop of Doryla, passed away in the Lord. According to the Constitutions of the Order, the monks of the aforementioned Territorial Abbey, with the approval of this Holy Congregation for the propagation of the Christian faith, convened for the election of a new Abbot; and after all things were duly performed, the Reverend Father Anselmus Catalán, Abbot Visitor of the Spanish Province of the Order of Saint Benedict, was elected. Since this man possesses particular qualities that demonstrate his worthiness for this dignity, and since the Reverend Father Abbot General of the Cassinese Congregation, P. O., in a letter sent to this Holy Congregation, highly recommended him, the aforementioned election was reported to His Holiness on the 28th of the month of June by the undersigned Secretary. Therefore, after considering all things pertaining to the case, His Holiness deigned to benignly confirm the aforementioned election, and declared the Reverend Father Anselmus Catalán to be the Abbot of the Territorial Abbey of Nova Nursia, with all rights and faculties pertaining to the said Abbey, and for the spiritual governance of the people within the limits of its territory, as is necessary and fitting; and the present Decree concerning this matter was ordered to be issued. Given at Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 30th of June, in the year of Our Lord 1915. Fr. H. M. CARD. GOTTI, Prefect. L. © S. C. Laurenti, Secretary. III. NOMINATIONS. By Apostolic Brief, dated June 18, 1915: The Reverend Father Angelus Maria a S. Teresia, formerly Angelus Perez, of the Discalced Carmelites, was appointed Archbishop titular of the church of Achrida and coadjutor with the right of succession to the Archbishop of Verapoli. By Decree of the Holy Congregation for the Propagation of the Faith, dated June 30, 1915: The Reverend Father Anselmus Catalán, O.S.B., Abbot of Nova Nursia, was appointed Apostolic Administrator of

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the Mission of Drisdale River in Kimberlie (Australia).

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis - Official Commentary

SACRED ROMAN ROTA

VICENTINA – EXEMPTION AND FUNERALS

During the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the ninth day of March, in the year 1915, the undersigned Reverend Fathers, Aloysius Sincero, Prefect, Joseph Mori, and Frederick Cattani, Auditors of Tournon, in the case of Vicenza – Exemption and Funerals, between the Reverend Father John Perrin, parish priest of Saint Mark's in the city of Vicenza, the plaintiff, represented by his lawful procurator, Vincent Sacconi, and the Reverend Fathers Minor, chaplains of the Hospital of Saint Bartholomew in the same city, the defendants, represented by their lawful procurator, Angel d'Alessandri, rendered the following definitive judgment.

1. In the case between the parish priest of Saint Mark's in the city of Vicenza, Reverend Father John Perrin, and the chaplains of the Hospital of Saint Bartholomew in the same city, concerning the right of exemption and funerals for the hospital, the parish priest of Saint Mark's, as the plaintiff, appealed to this Sacred Order against the judgment rendered by the tribunal of the Vicenza court on August 11, 1911, the dispositive part of which states: "The civil hospital of Vicenza is exempt from all jurisdiction of the Reverend Parish Priest of Saint Mark's, and that the Reverend Chaplains have the right to bury all the deceased within the hospital. The Reverend Father John Perrin, parish priest of Saint Mark's, is condemned to pay the costs."

2. Therefore, the matter came before Us to be defined under the following proposed and agreed-upon questions:

I. Whether the Hospital of Saint Bartholomew in the city of Vicenza is entitled to total exemption from any parochial jurisdiction, in this case.

II. Whether the parish priest of Saint Mark's, or rather, the chaplains of the hospital, have the right to bury and perform funeral rites for the faithful who enter the same hospital, in this case.

III. Whether the judgment of the first instance concerning the costs should be confirmed, or rather, overturned, in this case.

[*Latin ed. p. 333*]

The Roman Rota, number 333, section 3. Concerning the facts of the case: In the year 1723, the hospital of Saint Anthony and other smaller insti-

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tutions located in Vicenza were united into one hospital, situated within the territory of the parish of Saint Mark, and it was named the hospital of Saint Bartholomew, or "The Great Hospital for the Sick and the Poor." To this hospital was assigned the church of Saint Bartholomew, which, having previously belonged to a religious order, possessed an adjoining cemetery. There, for the first time, the Fathers of the Order of Discalced Carmelites, also known as Capuchins, performed the duties of chaplains. These were followed by the Reverend Fathers of the Observant Order, and then by secular priests, and now the present-day Brothers Minor are assisted in their duties as chaplains. In the year 1786, the parish priest of Saint Mark, Reverend Anthony Bonvicini, brought forth complaints against the right of exemption and the funerals of the hospital of Saint Bartholomew, or of its chaplains, and on February 13, 1786, an agreement or convention was initiated between the parish priest of Saint Mark and the directors of the hospital, which reads as follows: "For the future, and forever, the 'independent rights' that belong to the pious hospital for the sick and the poor of this city must be recognized, and which were previously exercised without opposition within the hospital itself, with regard to spiritual matters, and within the church of the hospital itself, and at the same time, the parochial rights that, with respect to the aforementioned hospital, may legitimately pertain to the Reverend Parish Priest of Saint Mark, within whose parish the hospital itself is located; it is agreed between the presidents of the Board of Directors of said pious hospital, specifically those designated for this purpose, and the Reverend Mr. Charles Anthony Bonvicini, the current parish priest of Saint Mark of this city, as detailed in the following articles: 'I. The Reverend Parish Priest recognizes the total independence of the aforementioned hospital, with regard to its internal affairs, from his spiritual jurisdiction; so that all the sick, the superiors, those present, the servants, and the elderly, who are in need of spiritual assistance within the hospital, must turn to the current chaplains who are dedicated to the spiritual care of the hospital, so that all necessary sacraments may be administered to them without the slightest interference from the parish priest; and the chaplains themselves are responsible for the total spiritual care within the hospital, under the authority of the Board of Directors; and therefore, the parish priest must never enter, nor interfere, within the aforementioned hospital for any reason or cause. 'II. The parish priest also recognizes the right that belongs to the aforementioned hospital to celebrate the SACRAMENTS within its church, without the need for any license, and without being hindered by the parochial jurisdiction..."

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis ~ Commentarium Officiale: "Following the customary sacred functions; in addition to the daily celebrations of the Masses in said church and infirmary, and also the custody within said

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church of the Most Holy Sacrament; that is to say: 1) Solemn Masses, and solemn anniversaries of the deceased, with indulgences, and with the customary prayers for the deceased devoted members. 2) The exposition in the church of the relics of Saint Anthony the Abbot and of Saint Bartholomew, and the blessing of the people with these relics. 3) The chanting of the litanies every Saturday evening in the church, with the participation of the people. 4) The blessing of the candles on the feast of the Purification, before the Mass, in the infirmary and in the church. 5) The making of the Holy Sepulcher in the church during Holy Week. 6) The celebration of the Holy Mass on Holy Thursday in said church, and on Holy Saturday, and the carrying in procession into the church of the Most Holy Sacrament in the Sepulcher. 7) The continuation of the Stations of the Cross.

III. Since the hospital is located in the parish of Saint Mark, the superiors, those present, and the servants who are in good health must receive Holy Communion in the church of Saint Mark; and if they wish to receive it elsewhere, they must request permission from the parish priest, subject to the agreement stated in the first chapter.

IV. Regarding the right of burial and funerals, the parish priest recognizes the independent right of the hospital to bury, with the assistance of its chaplains, all the deceased within its walls, whether they are buried in the hospital cemetery or in the hospital church; and thus, the right to administer the funerals, which in either case will be provided by the relatives, or by those appointed by the deceased.

V. If, however, any sick person should desire to be buried in some other cemetery, or in some other church outside of the hospital, then the deceased's body, by the chaplains of the hospital, wearing their stoles, will be delivered at the door of the hospital to the parish priest of Saint Mark, who from that moment will have all the funeral rights over the body itself.

VI. In the cases of the burial of those deceased who have their tombs in the church of the hospital, the parish priest, in this unique case, may enter the aforementioned church wearing his stole, and perform the funeral functions that are his due; and all the funerals will be the responsibility of said parish priest, and being invited to the obsequies, the chaplains of the hospital will attend as simple priests, but the parish priest may not enter the aforementioned church wearing his stole on any other occasion; rather, he must expressly request permission from the current presidents of the Bank for the procession of the Most Holy Sacrament, for that of Saint Mark, and for that of the Rogation Days.

And all the aforementioned chapters were extended by mutual consent from..."

[*Latin ed. p. 335*]

Saint Bonaventure, Book 3, Chapter 335: "The undersigned parties,

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among themselves and their successors, agree to submit [this matter] to the Sovereign [authority] for its approval and inviolable execution." Approval and execution were granted on March 16, 1786, and October 11, 1788. Therefore, the parish priest of Saint Mark, Charles Anthony Bonvicini, openly acknowledged, both at that time and in times past, the complete exemption of the hospital of Saint Bartholomew from the parochial jurisdiction of the parish priest of Saint Mark, especially concerning the right to bury and inter the remains of the faithful who die within that hospital. This right of exemption and of burial and interment has always been exercised by the chaplains of the hospital of Saint Bartholomew, without anyone objecting; but recently, the parish priest of Saint Mark, Pegoraro, and especially his successor, Father John Perrin, have contested and opposed these matters.

I. Concerning the right in question: "Exemption, in general, is a right by which a person, whether physical or moral, such as a college, or a place; is withdrawn from ordinary jurisdiction and power, by which it ought to be contained according to the common law. It is therefore a certain singular right: Devoti, Inst. can., Proleg. III, XXXVI; or, more properly, a privilege: Aichner, Ius eccles., § 211, 1; Oietti, Synopsis, v. Exemptio. 5. The exemption of a hospital consists in being exempt from spiritual care or from the parochial jurisdiction, in that those who are appointed in the hospital to administer the sacraments to the sick are considered in the place of the parish priest, and the hospital itself is considered to be within its scope as having a separate territory, and, with regard to those who live there, to constitute a certain kind of separate and self-standing parish: De Luca, de parochis, disc. XXI, n. 3. Although a hospital that is exempt appears to be a certain kind of parish with regard to the sick who live and die there, of whom the parish priest is said to be that priest or chaplain who is appointed for the service of that hospital, nevertheless it is said to be a certain improper parochial right, and with a certain jurisdiction over persons or territories, according to that kind of jurisdiction over persons without territory, or, more truly, according to that improper separation of territory, which for this purpose is considered in monasteries and convents of Regular canons: De Luca, ibid., n. 15. Therefore, the exemption of a hospital should be included among the privileges properly so called. Aichner, loc. cit.; Santi, Prael. iur. can., lib. V, tit. XXXIII, 2. The exemption of a hospital can be understood in two ways, namely, with regard to temporal administration and with regard to spiritual care; hence, two exemptions are considered, namely, from the jurisdiction of the Ordinary; or from the spiritual care of the parish priest in whose territory the hospital is located: A. Mortazö, de causis piis, lib. IV, cap. XI, n. 39-45. Exemption, however, from jurisdiction..."

[*Latin ed. p. 336*]

336 The Acts of the Apostolic See – Official Commentary – concerns only

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the temporal administration, as we shall say below. 6. Just as, by common law, all religious institutions are subject to the jurisdiction of the ordinary within whose diocese they are located, so too, by common law, they are subject to the spiritual care of the parish priest within whose territory they are situated, with the exception of the rights, as we shall say below, of the parish priest of the domicile or quasi-domicile, unless otherwise provided by a diocesan statute or local custom, with regard to the sacraments and funerals of those residing there; hence the rule that, just as the bishop has a well-founded intention in law regarding the subjection, with regard to jurisdiction, of hospitals and all religious institutions within the boundaries of his diocese: c. If any bishops, 16, q. 5, c. de Xenodochiis, 3, de Relig. dom., unless they have been exempted by foundation, or by prescription or apostolic privilege: Clement, quia contigit, de Relig. dom., where the Glossary has the word "de iure"; so too, with the exceptions mentioned above, the parish priest has a well-founded intention in law regarding the subjection, with regard to spiritual care, of hospitals within the boundaries of his territory, unless they have been exempted by privilege or prescription: De Luca, cited, discourse XXXVIII, n. 2, and discourse XLI, n. 6, etc. The effect of this rule, or of this prescription, is that the burden of proving the exemption of a hospital from spiritual care or from the jurisdiction of the parish priest within whose territory it is located, is transferred to the chaplains. 7. Therefore, the sources from which an exemption of a hospital from parochial jurisdiction can flow are privilege and prescription. In this matter, we must not linger on the question of whether an exemption by foundation, in title and in fact, is distinct from a privilege, nor on the question of whether an exemption by prescription is ultimately reduced to a privilege: Aichner, loc. cit., n. 1-3. For these questions are more theoretical than practical, as far as our case is concerned. 8. The privilege in question is debated: whether an apostolic privilege is required to induce an exemption of a hospital from parochial jurisdiction, as seems to be the case according to De Luca, cited, discourse XLI, n. 6, or whether a purely episcopal privilege is sufficient, with other canonical causes and conditions concurring, as Gennari truly believes, Quistioni canoniche, no. 337, p. 407, citing decrees of the Sacred Congregation, May 20, 1882, March 4, 1880, April 12, 1881. This question, in turn, is more theoretical as far as our matter is concerned, as will be evident below. 9. As for prescription, it must be noted first that, in our case, any custom whatsoever is not sufficient; since it is clear that it harms the rights of a third party, it requires also the conditions of prescription, with regard to possession, and especially with regard to title and the time required for prescription.

[*Latin ed. p. 337*]

Section 337 of the Roman Code of Canon Law, according to Chapter 1 concerning Prescriptions, in Book VI, states: Therefore, a prescription of

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either forty years with a title, or a centennial prescription or an immemorial prescription without a title, is required and sufficient. Roman Rota, Milan. – Concerning the law of burials, before the Most Reverend Dean Sebastiani, May 20, 1914. Specifically, to prove a custom that is immemorial or centennial, it is required that witnesses testify that they have observed that custom for at least forty years, and that they have always heard from their elders that it has been observed. Furthermore, neither the witnesses nor their elders should have seen or heard of anything being done to the contrary. Wernz, Canon Law, Volume I, number 192; Santi, cited, Book II, Title XXVI, number 45, etc.

10. In the present controversy between the parish priest of Saint Mark and the chaplains of the hospital, it is primarily sought, as is evident from the first question, whether it can be established that the hospital is completely exempt from any parochial jurisdiction. It should be noted that in this case, a total exemption cannot be understood as an absolute total exemption, but rather a relative one; that is, relative to the nature of the hospital and to the reason for which exemptions are granted to hospitals, in order to avoid great confusion that would otherwise result, since the administration of the sacraments must often be done unexpectedly, and at any hour, even at night, if it were necessary to summon the proper parish priests for each individual sick person, even those from distant parishes, which would be impractical. De Luca, cited, Discourse XXIII, number 11.

Therefore, this exemption is to be admitted insofar as it concerns matters that are appropriate for the sick, whether living or dying, in the hospital, and in which the aforementioned reason of confusion and impracticality is present, namely, the sacraments of Penance, the Eucharist or Holy Communion, and Extreme Unction, as well as the burial or funeral of those who, while dying in the hospital, do not choose a particular burial. De Luca, ibid., Discourse XXIII, number 18, and Discourse XLI, number 6; but not concerning the administration of those sacraments that are not usually administered in hospitals due to their regular nature or because of their less frequent occurrence, namely, Baptism, and even less so Marriage, since, for this purpose, even a greater jurisdiction or a formal parochial act seems to be required. De Luca, ibid., Discourse XXIII, number 18, Discourse XXXVII, numbers 9-12, and Discourse XLI, number 3.

This is generally the case; however, if the exemption arises from a specific privilege, then one must adhere to the terms of that privilege regarding the effects to which the exemption extends, cf. Santi, cited, Book V, Title XXXIII, number 2; if, however, it arises from a prescription, then the rule applies: "only what is prescribed is what is possessed," since custom does not extend from case to case. De Luca, ibid., Discourse XXXVIII, numbers 19-20.

11. Furthermore, the same legal principles apply regarding the exemp-

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tion of a hospital, namely, that it does not arise except from a privilege or from a prescription.

[*Latin ed. p. 338*]

The Acts of the Apostolic See – Official Commentary 338 are also valid concerning the right to bury and inter the dead, which pertains to the chaplains of the hospital: S.R. – Rota, Mediolanen: – On the law of burial, cited 12. Now, let us apply these principles of law that we have just explained to our case. The chaplains of the hospital of Saint Bartholomew contend to prove, with several arguments, their exemption, and especially: 1) from the legal nature of hospitals and the legal condition of the Vicentine hospital; 2) from the canonical erection of the same; 3) from the immediate protection of the king or prince, which the hospital of Saint Bartholomew enjoyed; 4) from the transfer of the right of exemption from the ancient hospital of Saint Anthony to the new one; 5) from the constitutions, or statutes of the hospital, approved by the Venetian Senate in 1773, and especially from the convention of Banca-Bonvicini of 1786, which we mentioned above. The first argument that is relevant concerns the nature or legal condition, both in general of large hospitals and in particular of the Vicentine hospital, and indeed provides a reason why it could have legitimately, or rationally, acquired an exemption by privilege or prescription: De Luca, cited, section XXIII, no. 12; but it does not grant the exemption itself; for the reason of the law is not the law. Furthermore, the canonical or ecclesiastical erection of the hospital does indeed make the hospital itself a true and proper religious place: Reiffenstuel, III, XXXVI, no. 1-3; and therefore, it is a primary prerequisite for the hospital to enjoy an exemption; but the exemption itself, as is quite evident, does not necessarily follow from it. The immediate protection of the king or prince, which the hospital of Saint Bartholomew enjoyed, did indeed grant it, according to the disposition of the sacred canons and especially the Council of Trent, session 22, on reform, chapter 8, an exemption from the jurisdiction of the bishop concerning the temporal administration – about which, given the necessity arising from civil laws, we need not speak – but it did not grant, nor could it grant, an exemption from the jurisdiction of the bishop concerning divine worship, especially since the hospital of Saint Bartholomew, due to its canonical erection, is and remains an ecclesiastical institution: A. Mortazo, cited, ibid., no. 45, or an exemption from parochial care of souls. As for the exemption transferred from the ancient hospital to the new one, let us set aside the rest, it should be noted that the document in which the exemption of the ancient hospital is affirmed does not enjoy the authenticity and the conditions required for full legal proof. Furthermore, concerning the convention of Banca-Bonvicini, it does indeed have the force of a declaration, or recognition, of the hospital's exemption, and to the

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highest.

[*Latin ed. p. 339*]

339. The Roman Rota has established the exemption of the hospital at that time, or in the year 1786. However, since both the parish priest of Saint Mark and the chaplains have subsequently appealed, reference must be made, above all, to the aforementioned custom currently in force; for it is possible that the hospital of Saint Bartholomew may have lost its own exemption, which it perhaps possessed, through an unforgettable prescription to the contrary. The same must be said regarding the constitutions or statutes of the hospital of Saint Bartholomew, and other arguments which the diligent patron of the chaplains initially presented. Indeed, there are indications of a presumption of fact or of a person in favor of the exemption; but when the parish priest has a well-founded intention based on law, or a legal presumption, to demonstrate the contrary, the indications and presumptions of fact or of a person, however accumulated, are not sufficient, but a manifest, conclusive, and stronger contrary proof is required: Rota, Recent, decision 117, no. 3; 290, no. 1; 469, no. 2, part. 4, vol. I. This complete proof of the exemption is not provided, as stated above, unless there is a privilege, or a prescription.

13. Regarding the first point, the chaplains of the hospital have not demonstrated a privilege, either papal or episcopal; for the privilege from which the exemption of the hospital of Saint Bartholomew from parochial jurisdiction could have flowed is a privilege properly so called, or one derived from a special rescript of the prince: Santi, cited, Book V, Title XXXIII, no. 2; Aichner, cited, § 211, nos. 1-3.

14. However, the chaplains have truly obtained and demonstrated, with certainty and completeness, a contrary proof regarding the exemption of the hospital of Saint Bartholomew from any parochial jurisdiction, with regard to the administration of the sacraments of Penance, the Eucharist, Extreme Unction, and especially the parochial sacraments of Viaticum and Extreme Unction, since Penance is voluntary, with regard to the funerals of the faithful who die in the hospital, as well as with regard to the blessings to be given on Holy Saturday, and similar functions. And, above all, the witnesses presented by the chaplains testify that the chaplains, without license, dependence, or intervention of the parish priest of Saint Mark, have always customarily administered the sacraments to the sick in the hospital of Saint Bartholomew, namely Penance, and especially the Eucharist, or Viaticum, and Extreme Unction; and that the parish priest of Saint Mark, and even less so with his own authority, or as the parish priest, has ever administered these sacraments to the sick within the hospital: Staffiero, John, testimony 1; Bile, Aloisia, testimony 1; Father Eusebius Perathoner, who was a chaplain of the hospital from the year 1898 to the year 1906, and

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who, when questioned, testified: "I confirm..."

[*Latin ed. p. 340*]

340 Acta. Apostolicae Sedis - Commentarium Officiale: "Regarding whether, and in what manner, the parish priest of St. Mark exercised 'within the hospital, rights and functions strictly pertaining to the parish, such as the administration of sacraments, the blessing of the pious institution, and the like,' the response was: 'I served as chaplain at the hospital from 1898 to 1906, and during that time, I am certain that the parish priest never exercised any parochial jurisdiction, as mentioned in the article, because I never saw the parish priest of St. Mark come to the hospital to perform functions strictly pertaining to the parish. However, if the parish priest of St. Mark ever came to the hospital, it was to hear the confession of one of his parishioners, always with the permission of the chaplains of the hospital, and if, at times, it was necessary for the parish priest, or the chaplains of St. Mark, to bring the Holy Viaticum to one of his parishioners outside the hospital, they would take the Holy Viaticum from the chapel of the hospital, always first requesting permission from the chaplains.' And to question 2: 'Does the witness know whether the chaplains were authorized by the parish priest to exercise pastoral care within the hospital?' the response was: 'Never did we receive such authorization. We had the authorization of the curia, and we never turned to the parish priest in the exercise of our functions at the hospital, but always to the episcopal curia, to which we intended to be solely subject.'

Trentin Moyses, to question 1: 'I served as a servant of the chaplains of the hospital from 1894 to 1907, and I never saw the parish priest enter the hospital to administer sacraments, give blessings, etc.' And to question 2: 'Never with the permission of the parish priest, and I am certain because, during the time of my service, I heard the chaplains themselves say: 'We are like the parish priests here within [the hospital]."

Spangher Aloisia, to question 1: 'I was in the service of the late Father Mercante, chaplain of the hospital, from the end of the year 1893 to the middle of 1895, and during that time, I never saw the parish priest of St. Mark come to perform or administer the sacraments.'

Father Ludovicus Corsetti, who served as chaplain of the hospital for six years, and testified based on his own knowledge: 'From the year 1896, when I became a chaplain, and from 1858 or 59, when I, as a student, went to the hospital to attend services and funerals,' and regarding the time before that, based on knowledge received from Father Mercante, Father Ciprian, Father Benigno, and others who were chaplains of the hospital, and to question 13: 'Does the witness know whether the parish priests of St. Mark, when necessary, within the hospital itself, have: 1) administered the Holy Viaticum; 2) administered Extreme Unction or Holy Oil; 3) assisted at and blessed marriages; 4) given the blessing of the pious institution on

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Holy Saturday?' the response was: 'I am not aware that the parish priest ever entered [the hospital]; sometimes he was called by a penitent, not as a parish priest, but as any other priest.'"

[*Latin ed. p. 341*]

The Roman Rota, number 341, "another confessor; I do not know if he ever administered the holy oil," columns 1-5 and 14-17; Ernest Rizzetti, who from the year 1887 was the administrator of the hospital church, columns 1-5 and 13-17; Father Peter Verlato, columns 1-5 and 13-17; Jerome Lovato, columns 1-5 and 13-17; Sister Mary Marangoni, who since the year 1869 was devoted to the hospital, columns 1-5 and 13-17; Sister Melania Priaro, columns 1-5 and 13-17; Bishop Nazarius Zorzi, columns 1-5 and 13-17; Zigliotto Joseph, columns 1, 3, 4 and 13-17; Father Gaudentius Pigato, who entered the hospital of Saint Bartholomew in the year 1867, columns 1-5 and 13-67; and also the witnesses themselves, brought forth by the pastor, such as Anthony Marzemin, who testified: "The pastor... did not have within the hospital the exercise of worship, such as the administration of the sacraments, Confession, Communion, the holy oil, functions of Holy Week, etc., which were performed by the priests"; Father Bartholomew Pinetto, columns 1, 3, 4 and 13-17; Father Angelus Badile, columns 1-5 and 13-17; James Rizzi, columns 1, 3, 4, 5 and 13-17; Raymond Cabalisti, columns 1, 3, 4, 5 and 13-17; James Rumor, columns 1 and 4; Father Angelus Quattrini, columns 1-5 and 13-17; Bishop Anthony De Marchi, columns 1, 3, 4, 5; Peter Fox, columns 1-5 and 13-17; Bishop Veritas Goriolato, columns 1-5; Bishop Attilius Caldana, columns 1-5, etc. It does not present a difficulty that permission was granted by the Ordinary to the chaplains to hear confessions; for the chaplains, having obtained this, by virtue of their office and entirely independently of the pastor, administered the parochial sacraments of Viaticum and Extreme Unction, as they continue to do so, as testified by Father Eusebius Perathoner, column 1; Father Lewis Corsetti, column 2; Ernest Rizzetti, columns 2 and 3; Father Angelus Badile, column 2; Father Peter Verlato, column 2; Father Angelus Quattrini, column 2; Father Gaudentius Pigato, column 2, etc. Furthermore, it is clear that the custom, of which the witnesses mentioned above testify, possesses all the conditions required to establish an unchangeable prescription, as is evident from the testimonies of Father Lewis Corsetti, Father Gaudentius Pigato, Sister Mary Marangoni, John Staffieri, and from what will be said below regarding the right of funerals. Moreover, the declaration of the Tribunal of December 13, 1913, does not present a difficulty, for it pertains to all pious institutions of the city of Vicenza, and it proves nothing against the hospital of Saint Bartholomew, given the special, unchangeable custom of the chaplains to administer these parochial sacraments entirely independently of the pastor of Saint Mark. 15. Furthermore, it is established that there exists an unchangeable

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prescription in favor of the chaplains of the hospital regarding the blessing of the pious and religious institution on Holy Saturday, for this is testified by Father Eusebius Perathoner, columns 1-5; Trentin Moses, columns 1-2; Spaugher Aloisia, column 1; Father Lewis...

[*Latin ed. p. 342*]

From the Acts of the Apostolic See, the official commentary by Corsetti, concerning chapters 1-5 and 13; Rizzetti Ernestus, concerning chapters 1-5 and 13-17; the priest Peter Verbato, concerning chapters 1-5 and 13-17; Sister Mary Marangoni, concerning chapters 1-5 and 13-17; Sister Melania Priaro, concerning chapters 1-5 and 13-17; Joseph Zigliotti, concerning chapters 1-5 and 13-17; Father Gaudentius Pigato, concerning chapters 15 and 13-17; and the Prelate Attilius Caldana, concerning chapters 3-5 and 13-17. The same must be said of the other sacred functions; for it is clear from what has been said that the parish priest of Saint Mark never exercised his parochial duties concerning them in the hospital of Saint Bartholomew, and conversely, that these duties were always exercised by the chaplains of the hospital. In particular, this is testified to by Anthony Marzemin, at the end; Aloisia Bile; Father Eusebius Perathoner, at 1; Moses Trentin, at 1; Aloisia Spaugher, at 1, etc.

16. Regarding the funeral rites and the right to bury and inter the deceased, concerning which the parties have disputed most, it should be noted that, in the law which comes to us under the name of funeral rites, all those rites are included; by which the Church honors the bodies of its faithful until their inhumation. Therefore, funeral rites encompass more, namely, the removal of the body from the house, the funeral procession, the bringing of the body to the church, the recitation of the office for the dead, the celebration of the funeral Mass, the giving of the blessing to the body, and its placement in a sacred place. Therefore, the complete right to perform funeral rites includes all of these things, together with the right to receive the due emoluments. See Oietti, Synopsis, v. Funeral Rites. Or, as is commonly distinguished by canonists, the right to bury includes three main things: 1) the association of the body with the church, as it is now called, which is the funeral procession; 2) the celebration of proper funeral rites in the church; 3) the bringing of the body from the church to the tomb or cemetery (D'Annibale, Moral Theology, III, n. 176). However, since the right to bury is connected, as an accessory, to the right to inter the deceased: Sacred Congregation, March 4, 1722; March 16, 1726; February 6, 1734, in Benedict XIV, Notes, 105, 25; and since the right to carry the deceased and to lead the funeral procession from the church to the tomb or cemetery belongs to those to whom the right to bury would belong, if cemeteries did not exist: Sacred Congregation of Bishops, September 17, 1880; Acts; XXIII, 421; Vecchiotti, Institutes of Canon Law, Volume II, Book III, Chapter V, § 62; D'Annibale, cited, ibid., notes 80, 84; once the right

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to associate the body from the house or place of death with the church, and to perform proper funeral rites there, has been proven, it necessarily follows the right also to bring the deceased to the tomb or cemetery, which is the complete right to bury.

17. Indeed, in our controversy, the patron of the chaplains seems to derive the right to bury from the right, by which, without any doubt, the chaplains of the hospital are endowed; namely, to administer the parochial sacraments in the hospital.

[*Latin ed. p. 343*]

The Sacred Roman Rota is accustomed to granting dispensations to the infirm in hospitals, as if it were a necessary consequence of their condition. However, this is not correct, for as Boniface VII decreed in chapter VI, concerning burials, "burial is due to that church in which the deceased was accustomed to hear divine services and to receive the sacraments of the Church." Therefore, the right to bury is one of the strict parochial rights, which belongs to the priest by himself and by common law, who is the true and proper parish priest, and not to the priest and chaplain, who is improperly a parish priest, and is considered to be in the place of a parish priest only for certain purposes, or for certain parochial rights. (De Luca, op. cit., discourse XXVII, no. 15), although most often and ordinarily the right of burial is connected with the right to administer the sacraments that are suitable for the infirm (De Luca, op. cit., discourse XLI, no. 6, and discourse XXIII, no. 18). Therefore, even in the matter of burial, one must not deviate from the principles of law that we have established regarding exemptions, according to which the hospital, or the chaplains of the hospital, cannot have the right to bury and inter the faithful who die within the same hospital, against the proper parish priest or the parish priest of their domicile or quasi-domicile, or, as custom dictates, and as the synodal statutes of Vicenza for our case confirm, against the parish priest of the place where the person died, or against the parish priest of the place where the hospital is located, except in two cases: either by privilege or by custom, or by prescription of forty years with title, or by prescription of long standing. (Sacred Roman Rota, Milan, op. cit., no. 18). Indeed, the chaplains of the hospital of Saint Bartholomew have certainly and conclusively proven that, by prescription of long standing, the exemption from the parish of Saint Mark belongs to them, even with regard to the right to bury and inter the faithful who die within the same hospital, or, which is the same thing, that the right to bury and inter belongs to them, and not to the parish priest of Saint Mark, with regard to the faithful who die in the hospital of Saint Bartholomew.

However, with regard to the practice of the hospital of Saint Bartholomew concerning funerals, it is necessary to distinguish two reasons for performing the funerals: namely, whether the deceased were or are

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carried to the church of the hospital or elsewhere.

This twofold reason for performing funerals is explained by Father Gaudentius Pigato, in the following manner: "I explain the method that the chaplains followed. From the bed, the body is removed with the recitation of *De profundis*. From the room to the mortuary cell, the *Miserere* and other psalms are recited according to the distance. Upon arriving at the door of the mortuary cell, the prayers prescribed in the Ritual are recited; after the funeral rites are completed, the body is brought into the mortuary cell. I had a strong desire that these funeral rites, which were recited at the door of the mortuary cell, should instead be recited in the church, but..."

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis - Commentarium Officiale: "The infirmarians refused [to perform the burial rites], first because on some mornings, the number of 'deceased' for whom this pious work had to be performed was greater, and carrying them into the church would consume more of their time, obliging them to a task to which they were not obligated, and if I wanted it done, I would have to pay them. When the families of the deceased requested an internal funeral, this method was practiced: the infirmarians carried the deceased into the church, forming a kind of catafalque with two benches, upon which the deceased was placed within the coffin, which was covered with a shroud, and around it were placed four or six candles, as ordered by the families; the office was sung, there was the Mass, read or sung, as ordered, and then the funeral rites were sung. After the service, the body was transported to the mortuary."

And in response to 27, when asked to better explain whether, for all the deceased, and also for those for whom funerals were held in the parish of St. Marci, the internal funeral rites were celebrated within the hospital of St. Bartholomew, he replied: "For all without distinction, both for those who requested internal funeral rites and funerals in St. Marci, and for those who only wanted the funeral in St. Marci. And for all, the funeral rites are celebrated according to the Roman Ritual. These funeral rites were celebrated in the sub-choir, during the transport from the room to the sub-choir, as I have already explained above."

Therefore, the first method, whereby the bodies, from the place of death, commonly the room, are directly taken to the cell which they call the mortuary, in the Vicentine hospital, commonly the sub-choir, without being carried into the hospital church, Father Pigato calls "funeral rites." The second method, whereby the bodies are taken from the place of death, or from the mortuary, into the hospital church, so that the Mass may be celebrated and the office for the dead recited, and from the church, after the service, are taken to the mortuary, he calls "funeral." This twofold method of performing funeral rites or funerals is confirmed by Joseph Zigliotto, who has served in the hospital since the year 1865, ministering to the sick.

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Regarding the first, he states, in section 27, at the end: "The body is taken from the bed by two infirmarians in the presence of a chaplain wearing a stole, and two infirmarians who carry candles and without a cross. At the moment of taking him from the bed and placing him in the coffin, the chaplain gives him the blessing with holy water, and with this transport he is accompanied to the sub-choir; the chaplain recites prayers along the stairs, and down the stairs, the chaplain stops to recite the prayers that are due to him, and after that, the body is carried to the sub-choir. This is done..."

[*Latin ed. p. 345*]

St. Bonaventure, Book 3, Chapter 45: "For all the deceased, even those for whom 'external' funerals are held." Regarding the second point: there, it states: "In the church, the body is placed on the coffin, covered with a shroud, and surrounded by candles, and the chaplains perform their offices, which they must sing, and they say Mass. When the service is finished, the brethren retire to the sacristy, and the body is taken back by the two pallbearers alone to the choir, without a cross, without candles, without a procession." Indeed, concerning those ceremonies or rites, which Father Pigato calls funerals, there is no doubt that these have been performed by the chaplains of the hospital of St. Bartholomew, by their own right and independently of the parish priest of St. Mark, and without his license or intervention, for all the deceased in the same hospital. It is certainly not doubted, nor could it seriously be doubted, about the conditions required, especially concerning time, for the prescription to be immemorial; but it could be doubted whether those ceremonies can truly and properly be called funerals in the legal sense. Certainly, this custom of not bringing the deceased into the church is, in itself, commendable: the Holy Roman Church, in a decree of St. James of Venezuela, August 11, 1888, as Father Pigato himself observes; and likewise, it is to be commended, independently of the ancient custom of the city of Vicenza, of which the chancellor of the episcopal curia of Vicenza testifies, that sometimes, even after solemn funerals, Mass is not ordinarily celebrated in the presence of the body, as prescribed by the Roman Ritual, "which is an ancient institution, and to the extent that it is possible, it should be maintained, so that Masses in the presence of the body should be celebrated for the deceased before burial." But, considering on the one hand that, according to the custom of the hospital of St. Bartholomew, when the body is carried out, it is blessed by a chaplain wearing a stole and sprinkled with holy water, and as it is carried out, the prayers prescribed in the Roman Ritual are recited; and considering especially on the other hand, that if the body is not taken into the church, it depends on particular circumstances of the hospital, entirely independent of the will of the chaplains, considering the particular conditions of the place and the people, it does not seem that these ceremonies or rites can

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be denied to truly carry the true reason and nature of funerals in the legal sense. Regarding the internal funeral, which Father Pigato calls it, there is no doubt that it is a proper funeral in the legal sense; for the body is taken into the church, there the funeral office and the funeral Mass are celebrated with prayers and rites according to the custom: therefore, here the question is only about the time required for the prescription to be immemorial.

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis - Commentarium Officiale. The following testimonies unequivocally demonstrate that these funeral rites have been traditionally performed within the hospital of St. Bartholomew by the chaplains, by their own right, independently of the parish priest of St. Mark, and without his permission or any intervention, particularly: Father Lewis Corsetti testifies, from page 10, lines 11, with lines 1-5, that he possessed this knowledge for 54 years, and regarding the time prior to that, that he acquired this knowledge from his senior colleagues; Father Gaudentius Pigato, who arrived at the hospital in 1867 to serve as a chaplain, testifies, from page 6, lines 11, with lines 1-5, that he possessed this knowledge for 46 years, and regarding the time prior to that, that he acquired this knowledge from his senior colleagues; Sister Mary Marangoni, aged 72, and attached to the hospital since 1869, testifies, from page 2, lines 11, with lines 1-5, that she possessed this knowledge for 44 years, and regarding the time prior to that, that she acquired this knowledge from her senior sisters and especially from the superior, who arrived at the hospital in 1853; John Stanerò, who served in the hospital for 45 years, testifies, from page 3, lines 1 and page 6, lines 1, that he possessed this knowledge for 45 years, and regarding the time prior to that, that he acquired this knowledge. To these witnesses, the following should be added: Sister Melania Priaro, attached to the hospital since 1860, who has observed this practice since that time, from page 3, lines 11; Joseph Zigliotto, who has served the sick in the hospital since 1865, and who has observed this practice since that time; Bile Aloisia, who was a servant of the chaplains, and who has observed this practice since 1880; and also Ernest Rizzetti, who has been the caretaker of the hospital church since 1887, and who has observed this practice since that time, and has received the same information regarding the past, from page 1, line 11; Lovato Jerome, who has observed this practice for 36 years, and has received the same information from his predecessors regarding the past, from page 6, lines 11; Spaugher Aloisia, who was a servant of Father Mercante, a chaplain of the hospital, from the end of 1893 to 1895, and who has observed this practice since that time, and has received the same information regarding the past, from page 1, lines 3; Trentin Moses, who has observed this practice for 20 years, and has received the same information regarding the past, from page 1, line 5; Marchesini Alexander, etc. 19. It cannot be argued that the chaplains who were presented as witnesses have

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an interest in the case; they are serious and honest witnesses, and it would be unjust to suspect the veracity of their sworn testimonies, especially since these are strongly confirmed by other witnesses. Furthermore, it cannot be denied that from these testimonies it is clear that the chaplains have the right to perform funeral rites within the hospital, for it has also been proven by the same witnesses mentioned above that the parish priest of St. Mark has never performed funeral rites within the hospital of St. Bartholomew. Moreover, this long-standing custom in favor of the hospital chaplains is not undermined by the witnesses presented by the parish priest of St. Mark, who testify that a custom was observed in the hospital, but only by ten.

[*Latin ed. p. 347*]

Rome, Record 347, or from fifteen to the highest number of years. For, in the first place, the witnesses were given by the chaplains of the hospital, or they performed the office of chaplains in the same hospital, such as Fathers Perathoner, Corsetti, Pigato, or were devoted to the hospital, such as the sisters Marangoni and Priaro, Staffiere, Marchesini, Zigliotto, Rizzetti, or were servants or handmaids of the chaplains, such as Trentin, Bila, Spaugher, etc.; and therefore, these witnesses are very suitable for confirming the custom prevailing in the hospital; whereas, the witnesses praised by the parish priest of St. Mark's, or who are devoted to the church of St. Mark's, such as Zecchini, Quattrini, Fox, or are devoted to other churches, such as Tromben, Franchini, Gabalisti, etc., are therefore less suitable for denying the custom in the hospital of St. Bartholomew. Moreover, the witnesses who assert that this custom has only been valid for a few years, speak of the practice of carrying the deceased, after the funeral, immediately and directly from the hospital to the cemetery, especially with the aid of a special hearse: thus, Father Aloysius Zecchini, in the third of the articles presented by the procurator of the chaplains; Father Angelus Quattrini, at the end; Jacob Rizzi, in article 18; Father Peter Fox, in article 23, etc. But if, in former times, the deceased were usually carried from the hospital to the cemetery at night and by common means, this is an accidental circumstance related to the true and proper right of burial. It does not invalidate the fact that many, and indeed important, witnesses testify to burials performed from time immemorial in the church of St. Mark's: for this only proves that, by custom, with or without the license of the chaplains of the hospital, it was permitted for the faithful who died in the hospital, after the funeral rites were held within the hospital, to be honored with more solemn funeral rites in the parish of St. Mark's. Furthermore, in such cases, the very practice by which the chaplains deliver the deceased to the parish priest of St. Mark's, sufficiently and abundantly proves the exemption of the hospital, and that the parish priest of St. Mark's has no parochial jurisdiction within the confines of the hospital. For the parish priest, with his clergy, never enters the hospital, but remains in the atrium, and there receives the coffin

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from the chaplains: Father Aloysius Zecchini, at 5; Aloisia Spaugher, at 3; Jerome Lovato, at 18 and 25, etc. Therefore, when the chaplains have proven that the hospital of St. Bartholomew is exempt by ancient custom, the declaration of the Bishop of Vicenza, that there are only two institutions exempt in the entire diocese, is irrelevant: for this would not prove that the exemption of the hospital of St. Bartholomew does not flow from an episcopal privilege. Therefore, it must be concluded from the records and testimonies presented that it is certain that the hospital of St. Bartholomew is entitled to complete exemption, in the sense explained above, from any parochial jurisdiction: of the parish priest of St. Mark's; and furthermore, concerning the administration of the sacraments, which are administered to the sick.

[*Latin ed. p. 348*]

Acts of the Apostolic See - Official Commentary • 348 concerning, namely, the Eucharist or Viaticum, Extreme Unction, with the sacraments of Baptism and Marriage excepted; concerning also the blessing to be given to the hospital on Holy Saturday; and especially concerning the funerals of the faithful who die in the same hospital. Finally, concerning the expenses of the judgment of the first instance, since it is in strict conformity with the law that costs be awarded, we confirm the sentence of the court of Vicenza, even to the extent that it condemned the parish priest of S. Marci to pay the costs; but concerning the judicial expenses in this sacred Tribunal, by a certain equity, as has prevailed in this sacred Tribunal, we wish them to be borne by both parties, especially since the parish priest of S. Marci has defended the rights of his parish; but we condemn him to pay the tax for the final judgment. 20. Having considered all these matters carefully and diligently, We, the undersigned Auditors of Tournon, sitting for the Tribunal, invoking the name of Christ, and having only God before our eyes, declare and definitively sentence, in response to the proposed questions: Regarding the infirm I. in Extreme Unction, Affirmative, concerning those who are usually assisted in hospitals; but Negative, concerning the administration of the sacrament, especially concerning the blessing to be given to the hospital itself on Holy Saturday; Regarding II. Regarding III. Funerals Provided in Affirmative, concerning the sacraments of Penance, Eucharist, and Matrimony, with Baptism excepted, in the same hospital, concerning those who die in the same hospital, first, to the first part, negative; to the second part. Furthermore, we declare that the judicial expenses in this sacred Tribunal are to be borne by both parties; but the tax for the entire final judgment is to be paid by the parish priest of S. Marci. We command the Ordinaries of the places and the officials of the tribunals to whom it pertains, to order the execution of this our final sentence, and to proceed against those who resist, according to the sacred Canons, and especially chapter 3, session XXV, on reform,

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of the Council of Trent, using the executive and coercive means that they shall judge to be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 29th of March, 1915. Aloisius Sincero, Presiding. XI. Joseph Mori. Frederick Cattani. From the Chancery of the Holy Roman Rota, 29th of March, 1915. Sac. T. Tani, Notary.

[*Latin ed. p. 349*]

349 Saint Roman Bota II, NICE. NULLITY OF MARRIAGE (MASSIER - GAUTHIER). Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 15th of March, 1915, the Most Reverend Fathers, William Sebastiani, Dean of Pontoise, Seraphinus Manu, and Franciscus Heiner, Auditors, in the case of Nice, concerning the nullity of marriage, between John Massier, represented by his legitimate procurator, Vincent Sacconi, advocate, and German Gauthier, who was present and argued in the case as the Defender of the Bond ex officio, rendered the following definitive sentence. On the 10th of March, 1900, in Paris, in the church of Saint Augustine, John Massier, who was over three years of age, from the town of Vallauris, in the diocese of Nice, contracted marriage with German Gauthier, also of twenty-three years of age. The spouses resided for a year in Vallauris, and then they went to the city of Nice, where, after almost six months, German learned that her husband was having relations with another woman and that he had entered into the marriage not out of love, but solely for the sake of his mother's desire and coercion. Having heard this for the first time, and after it was confirmed by the bridegroom's mother, German said farewell to her husband on the 20th of December, 1902, and returned to her father with her daughter, whom she had borne from John. Four months after the death of John's mother, the woman returned to her husband, hoping to re-establish their conjugal life; but she found John reluctant. From this, she initiated a divorce case before a civil judge, and obtained a favorable judgment, after which she entered into marriage with another man. John Massier, however, did not act immediately, but almost eleven years later, that is, on the 11th of April, 1913, he sent a petition to the Supreme Pontiff, Pope Pius X, of blessed memory, requesting that His Holiness also declare the nullity of his marriage in the first instance, based on the grounds of violence and fear. Having obtained the pontifical commission, and after the proper proceedings were completed in the court of Nice, the case is now being discussed under the usual formula of inquiry: Does the nullity of the marriage exist in this case? The Fathers, concerning the law, noted that the matrimonial contract requires such freedom in the contracting parties that all suspicion of fear and coercion must be removed, so that the intention of the will may appear spontaneous. The well-known decree of Alexander III, in chapter 14 concerning betrothals, states: "Where there is no place for consent, where fear or coercion ACTS, vol. VII, n. 12.

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[*Latin ed. p. 350*]

350 Acta Apostolicae Sedis - Official Commentary: "It is necessary that, where the consent of someone is required, coercion of that nature be excluded. Marriage, however, is contracted solely by consent, "and when this is questioned, the party concerned must enjoy full security, lest, 'through fear, he say he approves of what he hates.'" The same holds true in chapter 15 of the same title, from which chapters arose the canonical theory accepted by all Doctors, namely that, at least in ecclesiastical law, fear invalidates marriage. But not every kind of fear is to be considered. Firstly, light fear is not taken into account, for fear must be grave, or one that would terrify a firm man. The gravity of fear must, above all, be estimated by the gravity of the evil or damage that is feared, whether it is grave in itself, e.g., death, infamy, etc., or whether it is grave in relation to the person who experiences the fear. Furthermore, fear must proceed from a free cause: it must be unjust, and directed at extorting consent, whether from a specific person, or from one chosen from among several, or even at the conjugal state itself, by preventing the choice of that state. It must also be noted that the fear must be proven by the one who alleges it. Since fear is a passion of the mind, it is not easy to judge whether the consent in marriage was spontaneous and freely chosen, or whether it was the result of external coercion. Therefore, suitable witnesses must be heard, and all the circumstances surrounding the marriage, both preceding, concurrent with, and subsequent to it, must be carefully considered. With these things in mind, if the matter is still doubtful, one must rule in favor of the validity of the marriage, because the cause of marriage is favorable. Now, let us consider what Innocent III says in chapter 47, concerning witnesses and testimonies: "It is more tolerable to release some who have been joined together contrary to the laws of men, than to separate those who have been legitimately joined contrary to the laws of the Lord." Now, to the facts. John Massier, either in the introductory statement of the judgment, or before the judge, testifies: "My mother absolutely forced me, threatening to drive me from the house and disinherit me." To prove this assertion, he presents seven witnesses. However, the Fathers considered that there was great doubt as to the value of these testimonies. Indeed, it is incredible that the mother would involve outsiders, and even witness Aemilius Paul, who had been employed at Massier's workshop a few months before the marriage, so that John knew him "at the moment of his marriage," and who had been privy to all the conversations and plans concerning the marriage, without ever having spoken to the sons of the family, Joseph and Alfred, about the matter even once. For Joseph denies that there were any threats, while Alfred testified about threats, because he heard it from his brother John. It is also irrelevant that Joseph asserted that he was in Paris at that

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time for his studies, because...

[*Latin ed. p. 351*]

Saint Bonaventure, in Book 3, Chapter 51, could best know from the brothers, or from the parents, especially from the father, to whom he habitually confided. Furthermore, there is a contradiction between the deposition of the bridegroom and the testimonies of Barel and Maurel. For the former says that no one, except his advocate and his family, has been able to restore peace between the betrothed, while Barel and Maurel assert that they have unsuccessfully attempted to do so. Moreover, the witnesses Barel, Danillon, Maurel, and Paul not only assert, with the same identical words, the father's incapacity and negligence regarding his son's marriage, which casts suspicion on whether their responses were composed and contrived, but, more importantly, in the prior judicial inquiry, if one excludes the witness Maurel, they testified nothing or very little about the threats, but when questioned again on the same or nearly the same points, according to John's assertion and the testimony of the witnesses, they declared what they had feared. Furthermore, it is clear that the testimonies given by the same witnesses on the same, or nearly the same, points are legally suspect, when the records of the prior inquiry have already been published and are well known to the parties, as is the case here. Indeed, further testimonies from the witnesses on the same points arouse such suspicion that, according to common law, it is not permissible to again summon the same witnesses or new witnesses to be questioned on the same points, as is most clearly stated in Chapter 17, on witnesses, and Chapter 2 under the same title, in the Clementines. It is true that there are exceptions to this prohibition, such as cases that do not proceed to a final judgment, such as matrimonial causes, due to the favor owed to them (Chapter 35, on witnesses); but even in these cases, the legal suspicion is not removed. Indeed, as Emus Lega writes (on judgments, Vol. I, p. 500, edition of 1896), "no one is unaware of how carefully such presentations should be permitted by the judge, and with what prudence new testimonies should be weighed: for, if a new and dangerous experiment is permitted, due to the extraordinary gravity of the matter, the judge must always keep before his eyes the hidden danger of fraud." With these observations regarding the value of the testimonies, the Fathers raised the question "whether in this case there is a serious and direct threat to extort consent." Regarding the gravity of the threat, the threats that the mother employed to break John's spirit, as can be seen from the records, are reduced to the choice of leaving the home and the deprivation of the mother's inheritance. But as for the choice of leaving the home, this threat pertained not to the mother, but to the father. And although the witnesses testify of the excessive goodness of John's father, and they report that he yields in everything to the will of his wife, it is not permissible to believe that he was so weak as to have relinquished even in

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matters concerning the patria potestas. Furthermore, according to French law (Code civil, articles 203, 208), parents are bound to provide for their children, even...

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis - Commentarium Officiale: The greater obligation of providing sustenance (alimenta) pertains not only to food and clothing, but also to lodging, as was the case in Roman law, according to 1, 6, concerning alimenta and cibaria. Regarding the alleged disinheritance from the materna (Marne), it must first be considered whether the inheritance of the mother was substantial, so that its deprivation could have constituted a serious evil. We know that the mother had desired the marriage of her own son with a German woman in order to support the family affairs. Thus, Paul says that her "situation financière" was not good, and Danillon adds that "the commercial affairs gave her much concern." Furthermore, in Gallia (France), a true disinheritance is practically impossible: for according to civil law, in the paternal or materna inheritance, a greater or lesser portion of the assets remains reserved to the children, according to their number: in this case, since there were three sons, each had the right to one-fourth of the inheritance: and the parents could freely dispose of only one-fourth of the assets (Cod. civil., art. 913). And according to this civil provision, Madame Massier made her will, which is found in the records: from it, it appears that she named her eldest son as her heir, for only one-fourth of the inheritance, of which she was free to dispose, and she declared that she had favored the eldest son over the other two sons: "wishing to recognize the devotion and disinterestedness with which my eldest son, Alfred Massier, has shown in the general interest of the family, by supporting me in the management and administration of our factory, and even by taking on this heavy task alone." Therefore, the fear was not serious with regard to the threats directed at herself: nor is it to be considered serious with regard to the person upon whom the threats were directed, namely, Jean Massier. Indeed, it must first be noted that Jean, at the time when his mother was threatening him with the aforementioned actions, was already 22 or 23 years old, having been educated in liberal disciplines, and not ignorant of matters pertaining to commerce, and therefore he could have provided for himself without great difficulty. Furthermore, the records show that Jean enjoyed full freedom, both with respect to his parents and with respect to his brothers, and although he is often described by witnesses as "very gentle and very submissive to his mother," nevertheless, he not only did not obey his mother, but sometimes responded to her with a certain boldness, as testified by witness Barel, in the second interrogation. "Once, when Mr. Jean returned in the morning, Madame Massier was crying and reproaching him for making her ill by his refusal of marriage; Mr. Jean replied: "I will do it, if you want, but you

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will regret it later." The fear was not only not serious, but it was not even directed at extorting consent, or at least this cannot be deduced from the procedural records. For Jean, in the supplication presented to the Supreme Pontiff, writes: "This..."

[*Latin ed. p. 353*]

St. Roman Bota 353: "The union had been imposed upon me by my family, who, for 'intimate reasons,' wished to put an end to a deep affection that 'I felt for a certain person.'" Furthermore, five witnesses (out of seven who were heard) assert that the mother of John had exerted some influence on her son, setting him two goals: namely, first, to turn the son away from a licentious relationship with a certain woman, and second, to induce him to enter into marriage with Germana. Thus, clearly and expressly, Aemilius Paul, Paulus Danillon, Victor Maurel, Augustus Barel, and Julius Maissa. This last witness, in the supplementary inquiry at 1, says, "I believe (that the mother) urged the son because of 'the situation of Mademoiselle Gauthier, who was wealthy,'" and at 2: "I believe that Madame Massier had pressured her husband to favor her eldest son, to the detriment of Mr. Jean, in order to force him to abandon a relationship that she knew about and to marry Mademoiselle Gauthier." Given these circumstances, it cannot be said that the mother used moral coercion to extort marital consent from her son; perhaps it would have been sufficient for the mother if the son had simply abandoned the licentious relationship. Therefore, since at least there is some doubt, the validity of the marriage must be presumed. But let us suppose that it has been proven that the fear was grave and direct in extorting marital consent, it still remains to show that John entered into the marriage under the influence of this fear. For while one can be made willing against his will, it is possible that John, who had previously resisted his mother's will, could later have acquiesced to her plans and freely entered into the conjugal bond. Therefore, it must be examined, according to the esteemed Fathers, how John behaved with Germana, whether before the marriage, during the marriage, or after the marriage. Before the marriage, John never declared to the bride that he would not be happy with her, as is evident from Germana's answer to question 10. He himself confesses: "I kept my distance from her to politely show that I did not have affection for her." But it is unlikely that he would have behaved so politely that the bride, during six months of engagement, would not have suspected his aversion. Indeed, it would have been necessary for the groom to warn the bride about his aversion after a year and a half of peaceful cohabitation. It must be admitted that John made some complaints to his friends, but these are entirely devoid of vehemence. And if witness Barel testified in the second interrogation that he had heard arguments between the mother and son, these must be repeated, because the son, having spent the night with his mistress, returned home in the morning. On the day of the marriage and

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on the day of the marriage itself, everything proceeded correctly and in the usual manner. And there was no...

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis - A cautionary note precedes this official commentary, and nothing unusual is noted in the records, neither in the so-called civil marriage, nor in the religious marriage. Indeed, when asked by the judge: "Did the ceremony have anything abnormal about it?" the groom replied: "No, nothing abnormal," and the bride: "At the time of the marriage, I had no reason to doubt." After the marriage, John consummated the marriage, and not unwillingly, as can be inferred from the testimonies of both parties. For the woman, Germana, says: "From our marriage, he behaved like a true husband"; and when John was asked by the judge: "Did you nevertheless have 'conjugal relations' with your wife?" he replied: "Yes, I fulfilled my duty in 'all respects.' We lived together for about fifteen months: 'because the relations definitively ceased after the conception of the 'daughter we had.'" Furthermore, as is evident from these words, John and Germana lived together for fifteen months, and indeed without complaint, as can be inferred from the wife's assertion: "Until the 'discussion,' of which I spoke (which occurred after fifteen months), everything was correct externally," etc. If, after fifteen months of peaceful cohabitation, things changed, this must be attributed to the lascivious habit of John, as is evident from the woman's response to the 15th question, and to the love with which Germana was consumed for another man, as reported by the witness Naurel: "Each of them loved another." Having considered and diligently pondered all of these things, We, the undersigned Auditors of Tournon, with God alone before our eyes and invoking the name of Christ, declare and pronounce our judgment in response to the proposed question: Negatively, that is to say, that there is no basis for declaring the marriage null in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to which this pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially session XXV of the Council of Trent, applying the executive and coercive means that they shall judge to be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 15th of March, 1915. William Sebastiani, Dean, Presiding. L. £ß S. Seraphinus Many. Franciscus Heiner. From the Chancery of the Holy Roman Rota, March 1st, 1915. T. Tani, Notary of the Holy Roman Rota.

[*Latin ed. p. 355*]

SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURE

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SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURE

SAINT MINIATE

OF NULLITY OF MARRIAGE OR RESTORATION TO INTEGRITY

Between the Most Reverend Lady N. N., represented by her official procurator, the priest Victor Pozzan, advocate, and the Most Reverend Lady N. N., intervening and disputing in the cause, B. P. D., Defender of the Bond ex officio.

In plenary sessions held by the Most Reverend Fathers on April 18, 1915, this cause was proposed, in which N. N., from the diocese of Saint Miniate, the plaintiff, contends that her husband, N. N., suffers from impotence; therefore, she requests that the marriage be declared null.

The marriage was entered into on October 25, 1905; however, the petition, in which the plaintiff instituted a complaint of nullity, was dismissed with a negative response in the court of Saint Miniate on September 26, 1910. From this sentence, the plaintiff's advocate appealed to the Sacred Roman Rota.

Then, before the Most Reverend Father D. Frederick Cattani, the Rota, considering the question: "Does the nullity of the marriage exist in this case?", responded on January 8, 1913: "It is established that the marriage is null due to antecedent and perpetual impotence."

However, the appellant, from this sentence, the Defender of the Bond, appealed to the Supreme Tribunal, according to the Constitution *Dei Miseratione*, and the cause was brought before another Sacred Roman Rota, under the following question: "Should the sentence of the Rota in this case be confirmed or rejected?" And before the Most Reverend Father Prior, on December 22, 1913, the following decision was rendered: "Negatively to the first part; affirmatively to the second, that is, it is not established that the marriage is null in this case."

Thus, two sentences conforming to the validity of the disputed marriage were issued, from which, according to Canon 33, paragraph 1, of the Code of Canon Law, in the Sacred Rota, the matter is considered decided, against which (as the cited canon commands), no remedy is granted except through a complaint of nullity, or through a petition for restoration to integrity before the Supreme Tribunal of the Apostolic Signature.

Nevertheless, the plaintiff's advocate, recalling the privilege of matrimonial causes, which never seem to become matters definitively decided, since, under certain conditions, they always have the right to be admitted to a new judicial examination; the advocate, I say, insisted on continuing

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the cause.

[*Latin ed. p. 356*]

356 Acta Apostolicae Sedis - The official records were submitted for judgment in the third round, after the completion of the procedural acts. However, the petitioner's request was rejected; therefore, the advocate appealed to the Holy See, seeking a full restoration of the case. However, the Eminence, the Cardinal Prefect, considered that there was a certain preliminary difficulty that prevented the request from being simply accepted, since, according to the proper law (canon 37, paragraph 4), the Holy See sees "a reason for objection to the restoration of the case, against the decision of the round, which has passed into a matter judged." Nevertheless, it is well known that the privilege of matrimonial cases in this matter is confirmed in the words of the Constitution *Dei miseratione praescriptis*, thus: "always preserving and maintaining the right or privilege of matrimonial cases, which, due to the passage of time, never pass into a matter judged." The appeal was then examined by the full assembly of the Most Reverend Judges, and two questions were raised and proposed *ex officio*, with due time given to both the Defender of the Bond and the advocate for the petitioner, so that they might, as is their right, object to the questions proposed. The two questions proposed were: I. Whether, due to the expiration of the term, the advocate's request for a full restoration, in order to initiate a new process, should be rejected; II. Whether, if the appeal is admitted, there is a place for a new investigation, especially for a further examination of the husband, to be carried out by a more experienced expert in the case. The question contained in the first query was raised by the Defender of the Bond, who objected to the expiration of the term against the appeal interposed by the advocate; for he had overlooked the useful quarter of a year for instituting an appeal against the judgment of December 22, 1913; and he presented the appeal only after the question concerning the matter was decided by the presiding judge of the round, or after the petitioner's request for a third round judgment was rejected. In the second query, the question of admitting or rejecting the appeal instituted before this Holy Tribunal is presented in such a way that there is no question of a full restoration due to the preliminary objection already mentioned; but rather, it concerns an appeal intended to obtain a new investigation, and therefore a new judgment in the matrimonial case. In the assembly of the Most Reverend Fathers held on April 18, 1915, with the Reverend Father D. Philip Card. Giustini as the Relator, the matter was brought to a mature examination, and the following response was given: Regarding the first and second questions: The case should be remitted to the Tribunal of the Holy Round, or to the competent round, in order that, after the completion of the acts, especially through a new physical examination of the husband; or, if this cannot be obtained, through the opinion of a more experienced

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expert on the examinations already carried out, the case may be subjected to further examination; amen.

[*Latin ed. p. 357*]

The Supreme Tribunal of the Apostolic Signature 357. After having heard the matter, as reported by His Eminence, the Prefect, on April 21, 1915, the Most Holy Fathers, in deliberation, ratified and confirmed the resolution. And thus it was published, decreed, and definitively declared; and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it pertains, not only, etc., but also by all, etc. Given in Rome, from the offices of the Supreme Tribunal of the Apostolic Signature, on May 20, 1915. Nicholas Marini, of the Secretariat. L.©S. Josephus against Fornari, S. T. A.

PONTIFICIAL COMMISSION FOR BIBLICAL STUDIES ON THE PAROUSIA OR ON THE EPISTLES OF SAINT PAUL REGARDING THE SECOND COMING OF OUR LORD JESUS CHRIST.

Regarding the following questions proposed, the Pontifical Commission for Biblical Studies decreed the following answers:

I. Whether, in order to resolve the difficulties that arise in the epistles of Saint Paul and of other Apostles, where mention is made of the "Parousia," that is, of the second coming of Our Lord Jesus Christ, it is permissible for Catholic exegetes to assert that the Apostles, although under the inspiration of the Holy Spirit, taught no error, but nevertheless expressed their own human sentiments, in which error or deception may be present?

Answer: No.

II. Considering the true notion of the apostolate, and the undoubted fidelity of Saint Paul to the doctrine of the Master; also, considering the Catholic dogma of inspiration and the inerrancy of the Holy Scriptures, according to which everything that the writer asserts, states, or implies, must be attributed to the Holy Spirit; and also considering the texts of the Apostle's epistles, considered in themselves, which are most consonant with the manner of speaking of Our Lord Himself, it must be affirmed that the Apostle Paul in his writings said absolutely nothing that did not perfectly agree with that...

[*Latin ed. p. 358*]

358 Acta, of the Apostolic See – Official Commentary, concerning the ignorance of the Parousia, which Christ Himself declared to be among men? Answer: Affirmative. III. Whether, with careful consideration of the Greek phrase "τὰς □μέρας τὰς □γγιζούσας" [tas hemeras tas engizouzas]; and also with a thorough examination of the writings of the Fathers, especially of Saint John Chrysostom, most learned both in the patristic language and in the Epistles of Paul, it is permissible to reject, as insufficiently sought and lacking a solid foundation, the traditional interpretation in Catholic schools

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(which was also maintained by the innovators of the sixteenth century), which explains the words of Saint Paul in chapter I, verse 15-17, of the First Epistle to the Thessalonica, in such a way that it in no way involves the affirmation of a Parousia so imminent that the Apostle himself and his readers would be numbered among the faithful who are about to survive to meet Christ? Answer: Negative. On the 18th of June, 1915, in an audience graciously granted by the Most Holy Pope Benedict XV to the undersigned Reverend Consultor from the Acts, the aforementioned answers were approved and it was ordered that they be made public. Rome, on the 18th of June, 1915. LAURENTIUS JANSSENS, O. S. B. Abbot, titular of Montis Blandini, Consultor from the Acts. LETTER TO THE MOST EXCELLENT MISTER F. SCHOLLAERT, OF PUBLIC AFFAIRS, CONCERNING THE ESTABLISHMENT OF THE LIBRARY OF THE GREAT LYCEUM OF LOUVAIN. Your Excellency, The Holy Father has received the letter of April 15th last, by which Your Excellency, in his capacity as a member of the General Council of the University of Louvain, requests the support of the Holy See for the reconstitution of the Library of that University.

[*Latin ed. p. 359*]

359. Secretariate of State. It pleases Me to announce to you that, always deeply concerned with the well-being of My beloved sons of Belgium, and praying that the belligerents, amidst the conflict, safeguard the scientific and literary treasures of each people, the Supreme Pontiff will be very pleased to contribute, by all means within His power, to the reconstruction of this illustrious Library, which contained so precious literary treasures, for the greatest benefit of the intellectual culture and civilization of Belgium and the entire world. In order to encourage and promote such a commendable undertaking from this very moment, His Holiness has deigned to order that not only the publications of the Vatican Library be allocated to it, but also all the works that are available therein, without prejudice to other means by which the Holy Father, Who is so eager to follow in this matter the noble traditions of His Predecessors, may, subsequently, be able to assist such an excellent work, and thus manifest His zeal for the advancement of sciences and the preservation of the literary heritage of humanity. For the moment, I believe it opportune to inform Your Excellency that she will shortly receive the catalog of the aforementioned works, and that the shipment will be made as soon as circumstances permit. With the expression of sentiments of the highest esteem and the most distinguished consideration, I have the pleasure of saying once more, of Your Excellency, Rome, May 8, 1915. The very devoted servant, P. GARD. GASPARRI.

[*Latin ed. p. 360*]

Acts of the Apostolic See - Official Commentary 360. DIARY OF THE ROMAN CURIA. SECRETARY OF STATE. By means of documents from

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the Secretary of State, the Holy Father has deigned to appoint: June 20, 1915. — The Most Reverend Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Congregation of Religious women known as "du Sauveur et de la Sainte Vierge." June 22. — His Excellency, Monsignor Giovanni Bonzano, titular Archbishop of Melitene, Apostolic Delegate to the United States of America, provisionally entrusted with the administration of the affairs of the Apostolic Delegation of Mexico. June 27. — The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Congregation of the Brothers of the Blessed Virgin Mother of Mercy, of Tilburg, in the Netherlands. — Monsignor Alessandro Verde, formerly Promoter of the Faith, Secretary of the Holy Congregation of Rites. — Monsignor Michele O' Riordan, director of the Irish College in Rome, Consultor of the Holy Consistorial Congregation. June 30. — Monsignor Angelo Mariani, Assessor and Deputy Promoter of the Faith in the Holy Congregation of Rites, Promoter of the Faith. July 10. — The Most Reverend Cardinal Diomede Falconio, Protector of the Institute of the Franciscan Tertiary Sisters, who have their Mother House in Joliet, Illinois (United States of America). — The Most Reverend Cardinal Anthony Vico, Protector of the Institute of the Poor Sisters of Buenos Aires of Saint Joseph. — Monsignor Carlo Salotti, Advocate of the Holy Consistory, Assessor of the Holy Congregation of Rites, and Deputy Promoter of the Faith. July 11. — Monsignor Americo Bevilacqua, titular Bishop of Retimo, Consultor of the Holy Consistorial Congregation.

[*Latin ed. p. 361*]

From the Diary of the Roman Curia, 361, with Apostolic Briefs, the Holy Father has deigned to appoint:

Domestic Prelates of His Holiness:

June 16, 1915. — Monsignor Doctor Anthony Schaepman, Rector of the Major Archdiocesan Seminary of Utrecht.

June 17. — Monsignor Bernard Marenco, of the diocese of Fossano.

July 6. — Monsignor Joseph Burke, Canon Penitentiary of the diocese of Salford.

July 7. — Monsignor Francis Marchetti-Selvaggiani, Auditor of the Apostolic Nunciature of Bavaria.

July 8. — Monsignor Louis Pisapia, of the diocese of Avellino.

HONORS

With Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Cross of the Supreme Order of Christ:

June 20, 1915. — To the Most Noble Prince Don Joseph Aldobrandini, Captain Commander of the corps of the Noble Guard.

The Commanderate of the Order of Saint Pius:

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June 29, 1915. — To the following: Marquis Joseph Cavalletti, Knight Lando Franchi de' Cavalieri, and Count Alfonso Datti, members of the Noble Guard of His Holiness.

The Commanderate of the Order of Saint Gregory the Great, civil class:

July 9, 1915. — To Mr. Ermanno Beitzen, of the diocese of Hildesheim.

The Knighthood of the Order of Saint Gregory the Great, civil class:

June 25, 1915. — To Mr. Valentino Alberdi, of the diocese of Vittoria.

The Knighthood of the Order of Saint Sylvester the Pope:

June 25, 1915. — To Mr. Louis d'Orazi, accountant of the Work for the Preservation of the Faith.

[*Latin ed. p. 362*]

Acts of the Apostolic See - Official Commentary

MAGGIORDOMATO OF HIS HOLINESS

By the tickets of His Eminence, the Reverend Monsignor, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

December 5, 1914. — Monsignor Giovanni Battista Jaccoud, of the diocese of Lausanne and Geneva.

February 10, 1915. — Monsignor Salvatore Catolfi, of the diocese of Terni and Narni.

April 10. — Monsignor Isidoro Buttò, of the archdiocese of Udine.

April 13. — Monsignor Stefano Skibniewski, of the archdiocese of Lemberg.

April 28. — Monsignor Filippo de Iesus Echeverría, of the archdiocese of Buenos Aires.

May 3. — Monsignor Giuseppe Kowar, of the diocese of Leitmerik.

— Monsignor Giuseppe Funk, of the same diocese.

— Monsignor Francesco Albert, of the same diocese.

— Monsignor Agostino Fibiger, of the same diocese.

May 5. — Monsignor Giuseppe De Angelis, of the diocese of Warsaw.

May 8. — Monsignor Federico de Spee, of the archdiocese of KolÃn.

— Monsignor Luigi Stroux, of the same archdiocese.

— Monsignor Stanislao Czapski, of the archdioceses of Gnesen and Posen.

May 12. — Monsignor Stefano Schulz, of the diocese of Alba Reale.

May 14. — Monsignor Biagio Verghetti, of Rome.

May 19. — Monsignor Giuseppe Kepka, of Rome.

— Monsignor Salvatore La Cava, of the diocese of Catanzaro.

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— Monsignor Emerico Pisapia, of the diocese of Ariano.

May 21. — Monsignor Monalduzio Leopardi, of the diocese of Recanati and Loreto.

May 27. — Monsignor Agostino Lascioli, of the archdiocese of Brzesc.

June 5. — Monsignor Vincenzo López Aveledo, of the archdiocese of Caracas.

— Monsignor Edmondo Acuña, of the same archdiocese.

— Monsignor Marco Godoy, of the same archdiocese.

— Monsignor Aldo Laghi, of Rome.

— Monsignor Pietro Pazzini, of Rome.

June 18. — Monsignor Arturo Cocks, of the diocese of Southwark.

— Monsignor Enrico Hinde, of the same diocese.

June 30. — Monsignor Tommaso Emanuelli, of Rome.

July 2. — Monsignor Giuseppe, Doctor, Mussolesi, of the archdiocese of Bologna.

— Monsignor Fidenzio Melimi, of the same archdiocese.

[*Latin ed. p. 363*]

Diary of the Roman Curia 363: Honorary Chamberlains in peacock blue attire of His Holiness: April 10, 1915. — Monsignor Pietro Dall'Oste, of the archdiocese of Udine. April 13. — Monsignor Giacomo Ogier, of the archdiocese of Annecy. April 28. — Monsignor Guglielmo van Hees, of the diocese of Breda. — Monsignor Cornelio Rombonts, of the same diocese. April 30. — Monsignor Romeo Gambalunga, of Rome. May 3. — Monsignor Angelo Pierri, of the diocese of Lech. — Monsignor Michele Iuris, of the archdiocese of KolÃn. — Monsignor Giuseppe Bernal, of the diocese of Leitmeritz. — Monsignor Venceslao Schumann, of the same diocese. May 14. — Monsignor Giuseppe Gomez, of the diocese of St. John of Cuyo. — Monsignor Roberto Vicentini, of Rome. May 18. — Monsignor Secondo Ponce, of the diocese of St. John of Cuyo. — Monsignor Guglielmo Landell de Moura, of the diocese of Ribeirao Preto. May 19. — Monsignor Antonio Aksamović, of the diocese of Bosnia and Sirmio. May 21. — Monsignor Pietro Ortolani, of the diocese of Recanati and Loreto. May 27. — Monsignor Pietro Blasi, of the archdiocese of Acerenza and Matera. June 11. — Monsignor Giuseppe Carrière, of the diocese of Montpellier. June 23. — Monsignor Angelo Vieeira Sampaio, of the diocese of Floresta. Secret Chamberlain of Sword and Cape of His Holiness: May 12, 1915. — The Honorable Count Vincenzo Macchi, of Rome. Secret Chamberlains of Sword and Cape, honorary, of His Holiness: December 5, 1914. — The Honorable Baron Giorgio de Montenach, of the diocese of Lausanne and Geneva. April 15, 1915. — The Honorable Attorney Enrico Davignon, of the archdiocese of Malines. April 21. — The Honorable Noble Giuseppe

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Granello di Casaleto, of the archdiocese of Genoa. May 7. — The Honorable Baron Bartolomeo Scola Tomasoni, of the diocese of Vicenza. — The Honorable Giacomo Ogilvy Fairlie, of the diocese of Dunkeld. May 12. — The Honorable Edoardo Jambers, of the archdiocese of Malines. May 29. — The Honorable Marquis Flavio Durazzo, of the archdiocese of Genoa. June 5. — The Honorable Marquis Pio Del Turco Rosselli, of the archdiocese of Bologna.

[*Latin ed. p. 364*]

364 Acta Apostolicae Sedis - Official Commentary, June 11, 1915. — Mr. Salvatore Sferrazza Sciascia, of the diocese of Girgenti. June 25. — Mr. Marquis Alberto Carrega, of the archdiocese of Genoa. June 26. — Mr. Carlo Girolamo Vaughan, of the diocese of New-Port. — Mr. Antonio de Navarro. Honorary Knights of the Order of the Sword and Mantle, supernumerary, of His Holiness: December 5, 1914. — Mr. Lawyer Filippo Giorgetti, of the diocese of Macerata and Tolentino. April 15, 1915. — Mr. Gaetano Dupré, of Rome. May 6. — Mr. Commissioner Federico Mannucci, of Rome. May 12. — Mr. Stanislao Sikorski, of the diocese of Culma. May 18. — Mr. Girolamo Gigli, of the diocese of Teano. May 19. — Mr. Architect Giuseppe Giannini, of Rome. June 16. — Mr. Knight Eduardo, noble Capozzi, of the diocese of Avellino. Honorary Chamberlain, outside of Rome, of His Holiness: April 10, 1915. — Monsignor Giuseppe Bulfoni, of the archdiocese of Udine. Honorary Prelate, outside of Rome, of His Holiness: April 28, 1915. — Monsignor Quinto Cantono, of the diocese of Biella. Secret Honorary Prelates of His Holiness: June 5, 1915. — Monsignor Ruperto Rohrmoser, of the archdiocese of Salzburg, June 17. — Monsignor Luigi Aiuti, of Rome. — Monsignor Luigi Falzacappa, of Rome. NECROLOGY, July 6, 1915. — Monsignor Giovanni O'Reily, Archbishop of Adelaide in Australia.

[*Latin ed. p. 365*]

Year VII - Vol. TU, July 31, 1915, No. 13.

ACTA AP. SEDIS COMMENTARIUM OFFICIALE.

ACTS OF POPE BENEDICT XV.

APOSTOLIC EXHORTATION TO THE BELLIGERENT PEOPLES AND THEIR RULERS.

BENEDICT XV.

When We were called, though unworthy, to succeed on the Apostolic Throne the most gentle Pope Pius X, for whom the sorrow caused by the

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fratricidal conflict, which had recently broken out in Europe, had shortened his holy and beneficial life, We also, turning our anxious gaze towards the blood-soaked battlefields, felt the anguish of a father who sees his house devastated and laid waste by a furious storm. Thinking with inexpressible sorrow of our young sons, who were being mown down by death in thousands, We received into our heart, enlarged by the charity of Christ, all the grief of mothers and of brides widowed prematurely, and all the inconsolable weeping of children too soon deprived of their father's guidance. In our soul, We share the distressing anxiety of countless families, and...

[*Latin ed. p. 366*]

366 Acta Apostolicae Sedis - Commentarium Officiale. Comprehending the imperious duties imposed by the sublime mission of peace and love, which were entrusted to Us in such sorrowful times, We immediately conceived the firm purpose of dedicating all Our efforts and all Our power to reconciling the peoples – who are at war; and We made, indeed, a solemn promise to the Divine Savior, who, at the price of His Blood, made all men brothers. And of peace and love were the first words that We addressed to the Nations and to their rulers, as Supreme Pastor of souls. But Our counsel, affectionate and insistent, as that of a father and a friend, remained unheard! Our sorrow increased, Our purpose did not weaken; therefore, We continued to turn confidently to the Almighty, who holds the minds and hearts, both of the subjects and of the rulers, and, invoking His aid for the cessation of this immense scourge, We desired that all the faithful should join in our fervent and humble prayer, and, to make it more effective, We also endeavored that it should be accompanied by works of Christian penance. But today, on this sad anniversary of the outbreak of the terrible conflict, a warmer vow issues from Our heart that the war should soon cease, and a higher paternal longing for peace. May this cry, overcoming the fearful roar of the weapons, reach the peoples now at war and their leaders, inclining them to be more gentle and receptive to wise counsel! In the holy name of God, in the name of Our heavenly Father and Lord, for the sake of the most blessed Blood of Jesus, the price of human redemption, We implore you, whom Divine Providence has placed in authority over the warring nations, to finally put an end to this horrendous carnage, which for a year now has dishonored Europe. It is fraternal blood that is being shed on the land and on the seas! The most beautiful regions of Europe, of this garden of the world, are sown with corpses and ruins: where, only recently, the industrious activity of workshops and the fruitful labor of men flourished.

[*Latin ed. p. 367*]

The Acts of Pope Benedict XV, page 367: "The fields, the terrible thunder of the cannon, in its fury, spares neither village nor city, but sows every-

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where death and destruction. You bear before God and before men the tremendous responsibility for peace and war; hear our prayer, the paternal voice of the Vicar of the Eternal and Supreme Judge, to Whom you must render account, both for your public actions and for your private affairs. The abundant riches, which the Creator God has provided to the earth, allow you to continue the struggle; but at what price? Let the thousands of young lives, which are extinguished every day on the battlefields, answer; let the ruins of so many cities and villages, and of so many monuments due to the piety and genius of our ancestors, answer. And do not those bitter tears, shed in secret in domestic chambers, at the feet of supplicated altars, also repeat that the price of this daily struggle is great, too great? And let it not be said that this immense conflict cannot be resolved without the violence of arms. Lay down your destructive purpose; reflect that nations do not die: humiliated and oppressed, they bear their imposed yoke, preparing for revolt and transmitting from generation to generation a sad legacy of hatred and vengeance. Why not, from this very moment, weigh with a clear conscience the rights and just aspirations of the peoples? Why not begin, with a willing spirit, an exchange, direct or indirect, of views, in order to take into account, as far as possible, those rights and aspirations, and thus bring to an end this immense struggle, as has happened in similar circumstances? Blessed is he who first raises the olive branch, extending his hand to the enemy, offering reasonable conditions of peace. The balance of the world and the prosperity and tranquility of the nations rest upon..."

[*Latin ed. p. 368*]

368 Acta Apostolicae Sedis - An Official Commentary on benevolence, concerning respect for the rights of others and the dignity of others, far more than concerning a multitude of arms and a formidable array of fortresses. This is the cry of peace, which resounds most loudly on this sad day from Our heart; and We invite all who are friends of peace in the world to join hands with Us to hasten the end of the war, which has now transformed Europe into a vast battlefield. May Jesus, merciful, through the intercession of His sorrowful Mother, that at long last, after so terrible a storm, the peaceful and radiant dawn of peace may arise, an image of His divine countenance! May the hymns of thanksgiving to the Most High, the Giver of all good things, soon resound for the reconciliation of the States; may the peoples, united by love, return to the peaceful pursuits of studies, arts, and industries, and, with the reign of law restored, may they resolve henceforth to entrust the resolution of their differences not to the edge of the sword, but to the reasons of equity and justice, studied with due calm and deliberation. This will be their most beautiful and glorious conquest! With the dear hope that the tree of peace will soon bring forth these desirable fruits and gladden the world, We impart the Apostolic Blessing to all who form the mystical flock entrusted to Us; and also for

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those who do not yet belong to the Church of Rome, We pray the Lord to unite them with Us in bonds of perfect charity. Rome, from the Vatican, July 28, 1915. BENEDICT XV.

[*Latin ed. p. 369*]

369 Acts of Pope Benedict XV. AUTHENTIC VERSIONS I BENEDICT XV, POPE, TO THE BELLIGERENT PEOPLES AND THEIR LEADERS. When We were called, undeservedly, to succeed on the Apostolic Throne the most gentle Pontiff, Pius X, whose holy and beneficent life had been cut short by the sorrow caused to him by the fratricidal strife that had just broken out in Europe, We, too, felt, as We gazed with trembling eyes upon the blood-soaked battlefields, the anguish of a father who sees his home devastated and rendered desolate by a furious storm. Our thoughts turned, with inexpressible sorrow, to those young men, Our sons, whom death was reaping by the thousands, and Our heart, enlarged by the charity of Jesus Christ, opened to receive the torment of mothers and wives who had become widows before their time, and the inconsolable lamentations of children prematurely deprived of paternal care. Our soul, sharing in the agonizing fears of countless families, and imbued with the urgent duties imposed upon it by the sublime mission of peace and love entrusted to it in these unhappy days, We immediately conceived the firm resolve to dedicate all Our activity and all Our power to reconciling the belligerent peoples: We made, moreover, a solemn promise to the Divine Savior, who willed that all men should become brothers at the price of His blood. These were words of peace and love, which We addressed for the first time to the Nations and their Rulers. But Our counsels, formulated with the affection and insistence of a father and a friend, were not heeded! Our sorrow increased; but Our purpose was not shaken. We continued to invoke, with confidence, the Almighty, who holds in His hands the minds and hearts of Kings and their subjects, beseeching Him to put an end to this terrible scourge of war. To Our humble and fervent prayer, We wished to associate all the faithful; and to make it more effective, We took steps to ensure that it be accompanied by the works of Christian penance. But today, on this sad anniversary of the outbreak of this redoubtable...

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis - Commentarium Officiale

The more vehement the desire that springs from our heart to see the war cease, the louder rises the cry of a father demanding peace. May this cry, rising above the terrible din of arms, reach the peoples currently at war and their leaders, inclining both to more gentle and serene counsels! In the name of the most holy God, in the name of our heavenly Father and Lord, by the precious Blood of Jesus, which has redeemed humanity, We implore you, O you who, by divine Providence, are entrusted with the governance

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of the belligerent nations, to finally put an end to this horrible slaughter, which for a year has dishonored Europe. It is the blood of brothers that is spilled upon the land and the sea! The most beautiful regions of Europe, this garden of the world, are strewn with corpses and ruins: where, only recently, the industrious activity of factories and the fruitful labor of fields prevailed, one now hears the formidable thunder of cannons, which, in their fury of destruction, spare neither villages nor cities, but sow carnage and death everywhere.

You who bear before God and before men the formidable responsibility for peace and war, hear our prayer, hear the voice of a father, of the Vicar of the Eternal and Sovereign Judge, to whom you will have to render account of your public endeavors, as well as of your private actions. The abundant riches, which the Creator God has provided to the countries subject to your rule, allow you to continue the struggle; but at what a price! Let the thousands of young lives that are extinguished each day on the battlefields answer; let the ruins of so many towns and cities answer, and those of so many monuments due to the piety and genius of our ancestors. And do not these bitter tears, shed in the secret of the domestic hearth, or at the feet of the altars of supplication, not repeat that the struggle that has lasted so long costs "far, far too much"? And let it not be said that this cruel conflict cannot be appeased without the violence of arms. Let the design of mutual destruction be laid aside on both sides. Let it be well considered: nations do not die; humiliated and oppressed, they bear the yoke imposed upon them, preparing for revenge, and transmitting from generation to generation a sad legacy of hatred and vengeance. Why not, with a serene conscience, weigh, right now, the rights and just aspirations of the peoples? Why not begin, with a sincere will, an exchange of views, direct or indirect, in order to take into account, as far as possible, these rights?

[*Latin ed. p. 371*]

From the Acts of Pope Benedict XV, page 371, and concerning these aspirations, and thus arriving at the end of this horrible conflict, as has happened in other analogous circumstances? – Blessed be he who first raises the olive branch and extends his hand to the enemy, offering him peace under reasonable conditions! The stability of the world, the prosperous and secure tranquility of nations, rests more on mutual goodwill and on the respect for the rights and dignity of others, than on the multitude of armed men and on the formidable defenses of fortresses. Such is the cry of peace that rises more strongly from our breast on this sad day; and We invite all friends of peace in the world to join us, to hasten the end of the war, which, alas, for now a year, has transformed Europe into a vast battlefield. May Jesus, merciful, through the intercession of His sorrowful Mother, grant that the dawn of peace, an image of His august Face, may finally appear, calm and radiant, after such a terrible storm! May the hymns

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of thanksgiving to the Most High, Author of all good, soon resound for the reconciliation of the belligerent states; may the peoples, united by fraternal love, resume the peaceful rivalries of study, arts, and industry, and may, once the reign of justice is restored, they resolve henceforth to entrust the solution of their particular disagreements, not to the edge of the sword, but to the arguments of equity and justice, studied with due calm and deliberation. This will be their most beautiful and glorious conquest! With the confidence that is dear to Us, that these considerable fruits will soon appear on the tree of peace to gladden the world, We impart the Apostolic Blessing to all those who form the mystical flock entrusted to our care; and, for those who do not yet belong to the Roman Church, We pray the Lord to unite them with Us through the bonds of perfect charity. Rome, from the Vatican, July 28, 1915. BENEDICT XV.

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis - Official Commentary II ' LETTER FROM POPE BENEDICT XV TO THE PEOPLES AND THEIR LEADERS WHO ARE AT WAR. Having been called, although unworthy, to succeed the gentle Pope Pius X, to whom the sorrow over the brotherly war, which had recently broken out, shortened his holy and benevolent life, we, too, when we turn our gaze to the blood-soaked battlefields, feel the pain of a father who sees his house devastated and rendered uninhabitable by a devastating storm. And thinking with unspeakable sorrow of all our young sons, who have been snatched away by death in thousands and tens of thousands, we feel in our hearts, filled with the love of Christ our Lord, the whole pain of the mothers and the prematurely widowed women, and the inconsolable lamentations of the children who have been deprived of their fathers too soon. In spirit, we participate in the sorrow of countless families, and recognizing our duty, which is imposed upon us according to our exalted mission, namely the mission of peace and charity, we have firmly resolved to dedicate all our efforts and all our authority to the reconciliation of the warring peoples, and thus we have also made solemn promises to the divine Redeemer, who desired, at the price of his Precious Blood, to redeem all men as our brothers. And words of peace and love were our first, which we addressed to the peoples and their leaders as their supreme shepherd. But alas, our counsel, lovingly and earnestly offered as a father and a friend, remained unheeded. And as the pain increased in our hearts, so did not our resolve diminish, and with confidence we took refuge in God Almighty, who holds in his hand both the hearts and the thoughts of the subjects and the kings, imploring Him to end this immense misfortune. We wished to unite all the faithful with us in fervent prayers, and to implore the fulfillment of this prayer, we desired that it be joined with the practice

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[*Latin ed. p. 373*]

Acta Benedicti PP. XV, 373, de poenitentia Christiana. Sed hodie, in hac tristi die eruptio belli, tam ardentius ad Deum oramus, ut huic saevi belli finis daretur, et pacem ex toto corde imploramus. Ut haec nostra clamatio pacis clangorem armarum superet, et gentes quae nunc in bello sunt, et duces eorum, pertingat, ut et unii, et alteri, mitissimis et sinceris consiliis parere possint. In nomine omnipotentis Patris nostri Dei, et propter pretiosum sanguinem Jesu Christi, pro salute hominum effuso, vos, o reges gentium quae nunc in bello sunt, adjuramus, ut tandem huius horribilis conflictus finem imponatis, qui ab uno anno Europam affligit. Nam sanguis fratrum est qui in aqua et in terra effunditur. – Pulcherrimae terrae Europae, horti praeclari mundi, mortuis obtectae sunt et ruinam plenae, ubi nondum diu commercium et industria, et agricultura florebant, nunc clangunt praeter omissionem, non parcentes villis et urbibus, sed omnino mortem et miserią seminantes. Vos autem, coram Deo et hominibus, gravissime responsabilitatem pro pace et bello habetis; vos imploramus, audite vocem paternam vicarii aeterni et summi Iudicis, cui etiam vos respondetis, de actis vestis, publicis et privatis. Divitiae magnae, quibus Deus, Creator, terras vestras, quae sub imperio vestro sunt, adornavit, vobis permittunt bellum continuare, sed ad quem pretium? Ex sepulchris milliones vocum adolescentium respondunt, qui quotidie in campo belli moriuntur; ruinae multarum urbium et villarum respondunt, et opera artis quae nobis a patribus nostris, ex pietate et ingenio, tradita sunt. Et haec multa lacrima amara, quae in quasi omni domo, vel ad pedes altarium, effunduntur, nonne etiam repetunt, ut nimis gravis sit pretium cotidianae pugnae? Non dicendum est quod haec magna contesta sine vi armorum non possint solviri. Manifestum est quod gentes non moriunt, et ideo abesse debent intentione se mutuo destruere: gentes oppressa et humiliata, invitam tolerantes, sed parant se ad restitutionem, et ab generatione ad generationem odium et vindictam spargunt. Cur non, ab hoc momento, iura et iusta desideria populorum iudicare et ponderare?

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis - Commentarium Officiale. Why not, with fresh resolve, bring about a direct or indirect exchange of views, for the purpose of examining these rights or aspirations, so as to bring an end to this immense war, as has been done in other similar circumstances? Blessed be he who shall first raise the palm branch – and offer his enemy his rights, while at the same time offering him peace terms that are acceptable to him; for the balance of the world, and the flourishing and secure peace of the nations, depend primarily on mutual goodwill and on the respect for each other's dignity and rights, rather than on large armies and powerful

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fortresses. This is the call for peace, which resounds all the more loudly on this sad anniversary, and we therefore invite all who are friends of peace to extend their hand to us, in order to hasten the end of the war, which has transformed Europe into a vast battlefield. May Christ, the Lord, moved by mercy after such terrible suffering, allow the dawn of peace to shine forth! May prayers of thanksgiving soon rise to God, the Giver of all good things, for the reconciliation of the states, may the peoples, united in brotherly love, resume the noble competition in arts and sciences, as well as in commerce. And after the right of each has been restored, may they henceforth resolve to no longer submit disputed matters to the sword for decision, but rather may they be decided by law and justice, after they have been previously discussed with calm and moderation. And that truly would be your most beautiful and glorious conquest! With the firm hope that through such agreements the long-awaited peace will soon be brought to the world, we impart from the bottom of our hearts the holy apostolic blessing to all those who are entrusted to our pastoral care, and for those who do not belong to the holy Roman Church, we ask the Lord that He may unite them with us in the spirit of perfect charity. Given at Rome, at the Vatican, on the 28th of July, 1915. BENEDICT XV PP.

[*Latin ed. p. 378*]

Acts of the Apostolic See - Official Commentary 378. DECREE CONCERNING THE AUTUMNAL HOLIDAYS IN THE SACRED CONGREGATIONS, TRIBUNALS, AND OFFICES OF THE HOLY SEE. Our Most Holy Lord, Pope Benedict XV, graciously acceding to the requests made to him, has decided and decreed that the autumnal holidays, which in part I, chapter V, paragraph 3 of the Norms for the Sacred Congregations, tribunals, and offices of the Holy See, were established from the tenth day of September to the thirty-first day of October, shall be advanced by approximately twenty days, that is to say, that in the future they shall extend from the twentieth day of August to the tenth day of October; it is always stipulated that during this period of time, no official duties shall be interrupted; but that there should always be present, both of higher and lower rank, as many administrators as are deemed sufficient for the urgent affairs of the administration. Given at Rome, on the thirtieth day of July, in the year 1915. By special mandate of Our Most Holy Lord, Pope Benedict XV, CARDINAL GASPARRI, Secretary of State. STATUTES OF THE UNITED STATES OF AMERICA CONCERNING THE TRANSFER OF PARISHES. I. Nature of the Case. - In the United States of America, formerly there were not distinct parishes; but the Bishop of the entire diocese administered the care through priests, whom he freely appointed from the cathedral church, and sent to various parts of the cities and dioceses to perform sacred duties, and who could be recalled at his discretion. As the order of common ecclesiastical discipline was gradually introduced in those dioceses, the Fathers of the

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Second Plenary Council of Baltimore, celebrated in the year 1866, decreed "that throughout all these provinces, especially in the larger cities, where there are more churches, certain districts should be established, namely, parishes." 1 Concil. Balt. III, title II, chapter V, paragraph 1.

[*Latin ed. p. 379*]

379 The Sacred Congregation of Bishops, "so that, with accurately defined limits, each church may be assigned; and so that its pastor may be granted parochial or quasi-parochial rights." However, they added: "When we use the terms 'parochial rights,' 'parish,' and 'pastor,' we do not intend to grant to the pastor of any church the so-called 'right to stability'; nor do we intend to take away or in any way diminish the power which the Bishop, according to the established discipline in these provinces, has to deprive any priest of his office or to transfer him." They warned and urged that the Bishops should not use this right, except for grave reasons and after considering the merits of the case. Twenty years later, that is, in the year 1886, the Archbishops of that region, holding a new plenary council in Baltimore, considered it necessary to proceed somewhat further in the reform being undertaken: and therefore, in Title II, Chapter V, paragraph 33, they enacted this law: "In each diocese, with the authority of the Bishop, certain missions shall be selected, with the advice of his counselors, which seem more suitable to be considered as parishes; and these shall be governed permanently by missionary pastors, or by pastors who are established, as in England." They wished that the number of established pastors should not exceed one-tenth of the total number of pastors: so that "this proportion (one in ten) should not be exceeded without careful consideration within twenty years after the promulgation of the council," and so that they should be chosen by unanimous agreement. Finally, in order that stability should not lead to the detriment of souls, they enumerated a certain standard, and especially seven particular reasons, not expressly designated in common law, for which an established pastor may be removed. This, therefore, was the system of parochial administration in the dioceses of the United States of America, when, in the year 1908, those churches passed from the administration of missions to the common jurisdiction. Furthermore, in the year 1910, with the publication of the decree *Maxima cura* concerning the removal of pastors, the question was raised: "Does this decree apply also to the dioceses of the United States of North America?" To this doubt, the Sacred Congregation of Bishops responded affirmatively on March 13, 1911; as it had already responded in the same sense on February 28 for the dioceses of England. Moreover, in the decree *Maxima cura*, canon 30, the following was established: "These rules (concerning the manner of removal) shall be strictly applied to all those who, by any title, are the

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proper pastors of a parish."

[*Latin ed. p. 380*]

Acta Apostolicae Sedis - Official Commentary 380 « matters pertain - or are called perpetual Vicars, or assistants, or by any other name - the fact remains that whenever a parish is entrusted to the care of a priest, either temporarily as an administrator or Vicar for a time, or due to the infirmity of the pastor, or due to a vacancy in the benefice, or for another similar reason». However, from those words, carefully placed in this canon, namely, « that the established rules are to be applied to all those who obtain, in any way, the administration of a parish, whether they are called perpetual Vicars, or assistants, or by any other name», some have concluded that these rules are also to be applied to the pastors of parishes or missions, who, according to the decrees of the Third Council of Baltimore, are not considered immovable, but were preserved in the old state of removability. II. Resolution given. - Regarding the proposed doubt: « Whether in the United States of America, pastors of parishes or missions, who are not listed among the immovable according to the Third Council of Baltimore, but are still called removable, by virtue of the decree Maxima cura and especially canon XXX of that decree, can only be removed or transferred, observing the established procedure in the aforementioned decree», in the general meeting of June 28, 1915, the Most Reverend Cardinals, after considering the votes of the consultors and after due discussion of the question, decided that the answer should be: No; but they can be removed at the will of the Bishop, if he so desires, for reasons of merit. The Bishops, however, are firmly reminded by their Baltimore Council, that unless there are grave reasons, they should not do so. The Most Holy Pope approved and confirmed this resolution the following day in an audience granted to the Most Reverend Cardinal Secretary, and ordered that it be made public. / III. Some arguments relevant to the matter. - First of all, it was considered that the purpose of the decree Maxima cura is not other than to make the removal of pastors easier. Indeed, in the older discipline, a pastor could only be removed from the benefice he had obtained through a prior process, and therefore through a long period of study and labor, and rarely for criminal reasons. But the legislator, in the decree Maxima cura, based on the principles that « the salvation of souls is the supreme law» and that « the pastoral ministry is established in the Church not for the convenience of the one to whom it is entrusted, but for the salvation of those for whom it is conferred», asserted and decreed that, even without any fault on the part of the pastor, he can be removed from the parish whenever his ministry has become useless or harmful: he properly specified the reasons required for this, and established a certain procedure to expedite matters, while

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preserving justice and equity.

[*Latin ed. p. 381*]

The Sacred Consistorial Congregation, 381. The purpose of the decree is clearly achieved if its provisions are applied to those who hold parishes in perpetuity, whose removal was difficult according to the old law; however, it is not achieved, indeed it is entirely subverted, if the aforementioned provisions are applied to those who, by nature, are removable at the will of the Ordinary. For in this case, a removal, which would be easy and expeditious in itself, would become more difficult and complicated. Therefore, it was concluded that the process, according to the decree, could not be applied to those who administer parishes at the will of the Ordinary. Furthermore, according to canon 30, the provisions of the decree are to be applied to those who obtain parishes as their own proper rectories. But those who administer parishes at the will of the Ordinary do not seem to be able to be called the proper pastors of those parishes. It is true that, in the aforementioned canon 30, among those who should be called proper pastors of a parish, are also included those who are called "servants" in the chancery, who, until our time, were commonly considered to be removable at the will of the Ordinary. But this objection is easily refuted if one considers that, in Gallus, the non-canonical pastors, who were called subsidiary or serving at churches, should, by their very nature and according to the mind of the Church, be true and proper pastors; but civil authority, adhering to articles organic to the Concordat, unjustly added, refused to recognize them as true pastors, and did not wish to grant them stipends, unless they were considered removable at the will of the Ordinary. Which, of course, the Apostolic See tolerated in order to avoid greater evils, as is proven by a well-known case, which occurred around the middle of the last century, and is documented in the acts of the Sacred Congregation of the Council. But in our time, the Concordat with the Apostolic See having been violently broken by civil power, the organic articles and the anti-canonical status unjustly imposed by them have ceased. Therefore, the serving pastors were restored to their rightful status; and the decree *Maxima cura* considered them to be to be considered as true pastors, so that, even with regard to their removal, they should be subject to the provisions of the same decree. But the rectors of missions or parishes, who are not listed among the permanent ones in the United States, according to the strict law of the Baltimore II and I-II Plenary Councils, confirmed by the Apostolic See, are still subject to the ancient law, and are considered to be removable at the will of the Ordinaries. Therefore, we are dealing with a completely different condition. Finally, in considering the facts, it has been observed that, in many, very large, and not always well-organized dioceses of America, the situation is such that it often prevents the application of the procedure established in

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the decree *Maxima cura*. ACTA, vol. VI, f, n. 13. — July 31, 1915. 26

[*Latin ed. p. 382*]

382 Acta Apostolicae Sedis - Commentarium Officiale. Quod si mutatio aliqua hac de re facienda fuisset, canonicae regulae, prudens regiminis ratio, constans Apostolicae Sedis procedendi modus, a quo nunquam deflectere solet, postulavissent, ut illius regionis Antistites antea interrogarentur. Sed hoc minime factum fuit. Ergo vi decreti Maxima cura et praesertim controversi canonis XXX, dicendum est nullam mutationem circa modum amotionis illorum parochorum qui inter inamovibiles recensiti non sunt, fuisse inductam. f THOMAS, Archiep. Edessenus, Adsessor. S. CONGREGATIO CONCILII I AGENDA IUBILATIONIS 25 aprilis 1914 Species facti. - Ad hanc S. Congregationem Concilii misso supplici libello, quidam canonicus ecclesiae cathedralis Taciensis exponebat, se a die 26 martii 1874 per quadraginta iam annos chorali servitio operam dedisse assiduam, et quidem: a) a die supradicta ad diem 15 decembris 1875 tanquam mansionarium choralem super numerum, absque ulla retributione; b) a die 16 decembris 1875 ad 30 iunii 1901 tanquam mansionarium praebendarum; c) a die 1 iulii 1901 usque in praesens tanquam canonicum. Supplicabat igitur pro indulto iubilationis ex legitima quadragenarii servitii causa impetrando. Oratoris preces, ut de more, remissae sunt ad Episcopum lacien., ut hic, audito voto Capituli, suam quoque de re sententiam panderet. Capitulum vero, quamquam unanimiter decerneret de laudabili atque assiduo Oratoris servitio, negativum suffragium dedit, duplici de causa. Primo, quia, dum iubilatio dumtaxat vero et proprio beneficiato concedi consuevit, constat Oratorem ante diem 16 decembris 1875 non fuisse verum beneficiatum, sed honorarium aut supranumerarium; quamobrem quadragenarius annorum circulus tantum exeunte mense decembri 1915 utiliter, ad effectum de quo agitur, complebitur. Secundo, quia, attento...

382 Acts of the Apostolic See - Official Commentary. If any change had been made in this matter, canonical regulations, prudent administrative practice, and the consistent method of procedure of the Apostolic See, from which it never deviates, would have required that the prelates of that region be consulted beforehand. But this was not done at all. Therefore, by virtue of the decree *Maxima cura* and especially the controversial canon XXX, it must be stated that no change has been introduced regarding the manner of removal of those pastors who have not been listed among the immovable. f THOMAS, Archbishop of Edessa, Assessor. S. CONGREGATION OF THE COUNCIL, AGENDA FOR JUBILEE, April 25, 1914. Case presented. - In a petition submitted to this Sacred Congregation of the Council, a certain canon of the cathedral church of Tacien reported that, since March 26, 1874, he had diligently devoted himself to choral service for forty years, namely: a) from the aforementioned date to December 15, 1875, as a choral member above the established number, without any remuneration; b) from Decem-

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ber 16, 1875, to June 30, 1901, as a prebendary; c) from July 1, 1901, to the present time, as a canon. He therefore petitioned for a grant of the jubilee, for a legitimate reason of forty years of service. The petitioner's prayers, as is customary, were sent to the Bishop of Lacien, so that he, having heard the opinion of the Chapter, might also express his opinion on the matter. The Chapter, although unanimously recognizing the laudable and diligent service of the petitioner, gave a negative vote, for two reasons. First, because, while the jubilee is customarily granted only to true and proper beneficiaries, it is clear that the petitioner was not a true beneficiary before December 16, 1875, but was either an honorary or a supernumerary member; therefore, the forty-year period will only be completed, for the purpose in question, at the end of December 1915. Second, because...

[*Latin ed. p. 383*]

The Holy Congregation of the Council, in document 383, notes that in the same chapter, three choir members are habitually absent: two due to infirmity, and a third due to having previously received permission for a leave of absence. Furthermore, other canons are frequently prevented from participating in the choir by their official duties, and a significant detriment to the choral service resulting from these absences is foreseen. Regarding this second opposing cause, the Bishop also testifies in his letters, and therefore humbly suggests that, if the Orator's prayers are to be received favorably, he should nevertheless be assigned the duty of serving in the choir, at least on feast days and Sundays. This duty, when his physical strength is sufficient, the Orator will be able to fulfill comfortably.

The Opinion of the Consultant. - The Consultant, who wrote regarding this matter, first notes that the granting of a leave of absence is not permitted by any text of our law, since the sacred canons are silent on this matter. Nevertheless, out of the kindness of the Church, and based on the argument derived from the law "A muneribus, ff. de vacat, et excusat, munerum," it has long been customary to allow those who have diligently and commendably served in ecclesiastical duties for a continuous period of forty years to rest and enjoy their stipends; this is as is customary in secular affairs. This kindness has been seen to increase rather than diminish over time: for, although in ancient times it was absolutely necessary to have rendered service entirely within the same church, and indeed by one who had always provided that service, it has long been customary for this Holy Congregation to grant a leave of absence due to service rendered either in different churches, or in different positions by the petitioner, for example, partly as a chaplain or residentiary canon, as can be seen from the "Dubia, de iubilat. resol.," dated December 17, 1718; from the case of "Perusina," April 8, 1784; "Recineten," November 23, 1805; "Verulan," September 17, 1842; "Roman," December 12, 1899; "Signina," June 27, 1908, etc. However, it has always been maintained that a leave of absence is granted only due

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to the completion of forty years of service, and not, for example, due to old age or infirmity, which are conditions for which the Holy Congregation sometimes grants a dispensation, which is entirely different from a leave of absence. However, in this case, there is no doubt that the Orator has diligently and commendably performed choral service. The only difficulty lies in the time that has elapsed since March 26, 1874, when the Orator relinquished his position as a residentiary canon beyond the established number, and without any compensation; therefore, the question arises whether the position of residentiary canon beyond the established number should be considered a true benefice, in order to obtain a leave of absence, so that the time during which the Orator held that title...

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis - Commentarium Officiale. The service to the choir may be combined with other duties to conveniently complete a period of 40 years. However, this question involves a broader and more complex issue, namely, the nature and legal status of a canonry, or, in general, a supernumerary benefice. "Canonici, or generally, choral members, who are supernumerary," says Ferraris (s. v. Canonicatus, art. XI, n. 22), "are those who are 'co-opted into the college of canons and made canons beyond a certain number, without any benefice being immediately assigned to them, as the Glossa and Abbot in c. Cum magister 9 de Constit. resolve, Azor. Inst. moral., p. II, 1. III, c. 11, q. 13; Barbosa, 'de Canon., c. III, n. 12'." For, as the same Ferraris rightly explains (s. v. cit., sub init.), "one thing is a canonry or canon, and another is a benefice; a canonry, or commonly a canon, is a spiritual right, which arises from the election or reception of someone as a brother, or as a canon, while a benefice is the corresponding portion of the canonical fruits. If someone is simply received as a canon, before the canonical revenues are assigned or conferred to him, he is said to have a canonry, that is, a canon; but he is not yet said to have a benefice, which further implies the right to receive the annual fruits due by virtue of the canonical title. He who has both, namely, the canonical title and the benefice, is called a prebendary: cap. Sanctorum, % dist. 70. It is a fact that supernumerary canons, or those without a benefice, are actually found in many dioceses; and it is certain that they were also legally established before the most holy Council of Trent. However, some doubt whether these canons, beyond the established number, can today, without Apostolic permission, be instituted by bishops throughout the Church, given the laws of Trent which abolished all expectations of any kind. It is not necessary to explore this controversy in detail: at least it is easily agreed that the excess, whether affirmed or denied by either opinion, can be avoided, since it is indeed possible today for a bishop, with due observance, to confer canonries beyond the established number, but in such a way that the canonry thus conferred does not grant a right to a future vacant benefice; which right was definitively

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abolished by the law of Trent concerning the abolition of expectations. Nor does it seem permissible to admit that the right to a future benefice is an essential element inherent in a canonry, so that a true canonry cannot be conceived without that right; for the proper characteristic of a canonry is canonical service, while the right to a benefice, whether actual or future, rather pertains to the benefice itself; and it is well known in canon law that one thing is service, and another is a benefice, which define the right to receive fruits from ecclesiastical goods.

[*Latin ed. p. 385*]

The Sacred Congregation of Councils, in Decree 385, states that if it does not accord with justice to grant a benefice without an office, it does not necessarily follow that it is unjust to grant an office without a benefice. And just as benefices or prebends, which were established as institutions, existed from the very beginning, so too it does not contradict that, even at present, sacred offices can be separated from benefices by the authority of the Church, to the extent that they can sometimes exist without benefices. In this sense, several resolutions of the Sacred Congregation are easily understood, which are cited by those who deny this power to the Bishop. Thus, Fagnanus (in c. 9, de Constit., n. 65) states that the Sacred Congregation considered that a canon could be created by the Bishop as a "supranumerarius," but with the condition "that he should have no right to a vacant prebend, nor claim it as a result of such appointment." Similarly, Gonzalez, in Reg. VIII, Cancell. Ap., § 1, prooem, n. 64, cites another declaration given by the Sacred Congregation at session XXIV, c. 19, de ref., with these words: "From this decree abolishing expectations, it is inferred that a canonry cannot be erected with the right to a future prebend." And this is made even more evident by two resolutions of the Sacred Congregation, which are frequently cited to the contrary: namely, the resolution of Veliterna, August 23, 1737, in which the Sacred Congregation held that it was permissible for the Ordinary to grant the requested faculty of conferring a canonry without participation in the fruits or distributions, but that the condition proposed by the Ordinary, namely that such a provision should obtain the vacant prebend first, should not be added; and the resolution of Eystetten, December 1, 1731, in which, regarding the question: "Whether the present Bishop is bound to grant prebends to those to whom a predecessor Bishop granted canonries without a prebend... or rather, can he freely grant them to others?" the answer was "Negative to the first part, affirmative to the second" (cf. also Santi, Prael., l. III, tit. VIII, n. 13, where several authors are cited). Now, if, in fact, those who hold such canonries without prebends are sometimes promoted, either by right of option or by a new provision, to canonries with prebends, this does not necessarily happen, nor certainly by virtue of the original grant, but under a completely different title. However, we do not grant to the Bishop an arbitrary power to create these

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"supranumerarius" canons indiscriminately and at will, but rather, we limit it by the necessities that require choral service, and with all legal requirements observed, especially regarding the prior inquiry of the consent of the canons, and regarding the observance of legitimate customs or statutes in the matter. Conversely, when we speak of the number beyond which, with these conditions, it is permissible to institute such canons, we mean the number that is defined by ecclesiastical law, at least locally, and not the number that is sometimes determined by civil authority.

[*Latin ed. p. 386*]

386. It would be presumptuous to attempt to prescribe the *Acta Apostolicae Sedis* – the official record –; rather, those who are elected and appointed to it retain their full rights, even if they are prevented from exercising these rights externally, due to usurpation. "For every thing that is gathered together by any means, is dissolved by the same [and not by other means]" (canon I of law). Furthermore, concerning these canons or choir members, who are above the established number, it is often asked whether they have legitimate rights, especially in comparison with those who hold benefices. De Herdt rightly responds (Prax. cap. XI, § I, 4): "These supernumerary canons are truly and properly canons, insofar as a benefice and a canonry are distinguished, and a canonry can exist without a benefice. If they are true canons, it seems at least that they have a stall or place in the choir; whether they receive distributions, and what other rights they have, must be carefully considered in light of custom. As true canons, they can be chosen as synodal judges, as Apostolic delegates, etc. They precede coadjutors and honorary canons, but yield place to numerary canons of the same order, etc." From these words, it is also clear that supernumerary canons cannot in any way be confused with honorary canons: for the latter, although they may have a stall in the choir, do not have the perpetual obligation to attend the choir, but attend as they please, nor do they have a voice in the chapter, nor do they receive distributions; whereas, on the contrary, supernumerary canons have a place in the choir with the perpetual obligation to attend; although legitimate customs are to be observed, they nevertheless have a voice in the chapter, which, for holding it, does not require, in itself, participation in the Mass; and they can receive choral distributions, as is the case, for example, in the cathedral of Iaciensi, with regard to the supernumerary resident canons. Now, with regard to the matter at hand, it is entirely accepted in the Holy See that the time during which someone served as an honorary canon cannot be added to the time that they later served commendably as a true canon, in order to complete the forty years required for a dispensation (Cf. e.g., Piscien., dispensation, d. 3 July 1819). The reason for this is clear, because an honorary canon is not bound by the perpetual obligation to attend the choir, but attends as he pleases, and therefore cannot present a title of perpetual service, from

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which alone the time useful for the purpose in question is reckoned. On the contrary, a supernumerary canon is, at least in principle, bound by this obligation of perpetual service, indeed, as we have said, this service is often the reason for their creation: therefore, if they have truly and faithfully fulfilled this obligation, the time of service rendered by the supernumerary canon (and the same holds true for a supernumerary resident canon) is legally added to other suitable periods, in order to complete the forty years. The argument can also be drawn from the canon coadjutor.

[*Latin ed. p. 387*]

The Holy Congregation of Councils, in decree 387, states that, if someone has truly and continuously rendered commendable service to the choir, they will undoubtedly, in due time, obtain the grant of jubilation, even if they do not hold a proper title, and are, in fact, not a true canon (S. G. G. in Ästen., August 26, 1780; Foroliv., September 16, 1826, etc.); whereas, a supernumerary canon is a true canon, and holds a proper title, and, by his own right, a perpetual one. Considering all these matters, in the case at hand, it is fitting to respond that the canon, who has rendered commendable and constant service to the choir for forty years, although under a different title, has certainly earned the grace of jubilation by reason of time; and indeed, he has made himself more worthy, considering canonical equity, if for some time he performed that service gratuitously and without any recompense, at the will of the Bishop. As for the opinion of the chapter and the Bishop, the Consultor notes, first of all, that the Holy Congregation does not seek this from them in order to obtain their consent for granting the grace, but merely to ascertain that there has been commendable service for forty years, and to discover, if there are any, reasons that might impede the Orator's intention. Such reasons are not presented, except for the alleged necessity of choral service: but, setting aside the fact that this defect, by itself, cannot prevent the granting of the grace, as was recently observed in Segni, Jubilationes, June 27, 1908 (Thesaurus, 1908, pages 358 ff.), because in the grant, according to the customary form, explicitly limiting clauses are added for the case of necessity, and, if they were not added, they would nevertheless be implicitly present, and in this case, there is no reason to fear a serious detriment to the choral service from granting the grace: in fact, in the chapter of Acireale, besides the Orator, there are 29 choir members, of whom only three are habitually absent; a few others enjoy a temporary grant, but not on feast days and Sundays, and with the clause "provided that the service of the choir does not suffer any detriment therefrom." Therefore, before the requested jubilation is denied because of the necessity of choral service, the other conditions for obtaining the dispensation must be fulfilled, which the Bishop, indeed, has the right and the duty to demand. Resolution. Furthermore, after the Most Reverend and Most Reverend Fathers of the Holy Congregation of Councils had heard

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the Orator's prayers, and after plenary meetings held on April 25, 1914, the same Most Reverend Fathers, having carefully considered the matter, decided to reply: "Regarding the grant of jubilation, let it be so." Furthermore, the Most Holy Father, in an audience afterwards granted to the undersigned Secretary, deigned to ratify the resolution of the Most Reverend Fathers. O. GIORGI, Secretary.

[*Latin ed. p. 388*]

388 Acta, Apostolicae Sedis - Official Commentary II "VERCELLI." - ON THE LAW OF FUNERALS. Doubt. - The Archbishop of Vercelli reverently presented the following doubt to this Holy Congregation for a suitable solution: "While the present war is raging, do chaplains of Castrum, who are currently serving in hospitals for wounded or sick soldiers, exclusively have the right to perform funeral rites concerning soldiers who die in said hospitals?" And the same Holy Congregation, having maturely considered the matter, decided on July 7, 1915, to respond as follows: "Affirmatively, provided that the funeral rites are performed in the chapel of the hospital, and the body is carried without ceremony to the cemetery." Given from the offices of the Holy Congregation, on the day, month, and year as above. L. © S. O. GIORGI, Secretary. HOLY CONGREGATION OF RITES. Doubts. The following questions were proposed to the Holy Congregation of Rites for a suitable solution: I. Is the commemoration of the anniversary of the election and consecration of a Bishop prohibited in the Masses celebrated during the days within the octaves of privileged feasts, according to the semi-double rite? II. Can the blessing of houses be prohibited by diocesan law on the Saturdays immediately preceding, or even throughout the entire season of Lent, so that such a blessing is not considered by the faithful as pertaining to Easter, and thus great confusion arises among the people?

[*Latin ed. p. 389*]

The Holy Congregation of Rites, 389. And the aforementioned Holy Congregation, having heard the opinion of a special Commission, judged that the following questions should be answered as follows: To I. Negatively. To II. In that case, affirmatively, according to the decrees. And thus it wrote and declared. On July 2, 1915. A. CARD. VICO, Prefect of the Sacred Roman Congregation. L.ÉBS. Alexander Verde, Secretary.

II. DECREE CONCERNING IMAGES OF THE BLESSED EXPOSED FOR PUBLIC VENERATION.

It was inquired of the Holy Congregation of Rites: Whether images or statues of any Blessed, formally beatified, exposed for the public veneration of the faithful in churches or public chapels, can be removed by the authority of the respective Ordinary?

And the aforementioned Holy Congregation judged that the proposed doubt should be answered as follows: If there was an apostolic indult, ei-

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ther for the aforementioned exposition of the images or statues, or a greater indult for celebrating the feast of the Blessed with an Office and Mass (in which case the faculty to expose the aforementioned images or statues is contained), negatively; otherwise, affirmatively.

And thus it wrote and declared. On July 24, 1915. A. CARD. VICO, Prefect of the Sacred Roman Congregation. L.^S. Alexander Verde, Secretary.

[*Latin ed. p. 390*]

Acts of the Apostolic See - Official Commentary 390. DECREES CONCERNING THE SINGING OF THE HYMN "TE DEUM" AND FUNERALS DURING TIME OF WAR. It has seemed opportune to re-publish the following Decrees, since, given the present circumstances, they are entirely valid.

SACRED PENITENTIARY APPOSTOLATE. To the Ordinary Authorities in Italia. At the request of certain Prelates in Italia, it was inquired whether, on the occasion of the war being waged in Africa, the Ordinary Authorities of places where it is required, might be permitted to allow the solemn singing of the Ambrosian hymn, if it is pleasing to the Italians, or to celebrate funeral ceremonies with Mass, for those who have died in the war itself. The Sacred Penitentiary, with the approval of His Holiness, Pope Leo XIII, responds to this request: It is permitted that, on the occasion mentioned, the Ambrosian hymn be sung by parish priests and other ecclesiastical persons, but only after the Ambrosian hymn, the common verses and the unique prayer of thanksgiving should be recited; omitting any other verse and prayer; and it is also permitted that the sacred sacrifice of Mass, and other funeral ceremonies, be celebrated in the Church, and that funeral prayers be recited therein, neither by laymen nor by ecclesiastical persons, nor even by the Ordinary Authorities themselves. It must be carefully avoided that all of this be twisted to political ends. Given in Rome, on the 13th of March, 1888.

RA PH. CARD. MONACO, Prefect. L.©S. I. Can. Palombi, S. P. Secretary.

SACRED CONGREGATION FOR RITES. Concerning prayers for the dead in the Tripolitan War. Whereas, often, etc. His Holiness commands and directs that in such funerals – even if they are held on days permitted by the rite – no one, of whatever rank, presume to deliver sermons or funeral orations in any church or chapel. – February 3, 1912.

Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop, Secretary.

[*Latin ed. p. 391*]

SACRED ROMAN ROTA, TURIN. Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 16th of March, 1915, the Most Reverend Fathers, Doctors Joseph Mori, Ponens, Frederick Cattani, and Anthony Perathoner, Auditors of Tournon, in the case of Turin – Jurisdictional, between the Countess Maria Gautier de Confiengo, act-

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ing on behalf of her son, Robert, represented by her legitimate procurator, Advocate Vincent Sacconi, and the Marquis Octavius Thaon de Revel, the defendant, who was present and argued in the case, with the Reverend Promoter of Justice of the Holy See Tribunal intervening and arguing for the freedom of the ecclesiastical patronage, delivered the following final judgment. By a public instrument dated the 17th of February, 1730, Count Nicholas Manfredus Occelli established an endowment for the erection of a new parish under the title of the Most Holy Trinity in the town commonly called Nichelino, in which he held a fief, and whose territory previously belonged to the collegiate parish of Montcalieri, and in the same instrument, he reserved the patronage "to the favor of the aforementioned Count, his successors, or whomever he should dispose of it." On the 12th of the following May, the archiepiscopal court of Turin ratified the foundation and endowment with the aforementioned reservation, and thus a new parish was canonically erected, to which the aforementioned patron, the founder, presented the first parish priest, the Reverend Joseph Macario. Subsequently, on the 8th of July, 1741, the aforementioned patron, using the reservation concerning the manner of disposing of the patronage, as mentioned above, stipulated as follows: "He bequeathed and bequeaths, and by reason of the bequest, he leaves the appointment of the parish priest of the parish of Nichelino to the aforementioned universal heir (the cleric, the son of the last founder), for his natural life; and after his death, he bequeaths and leaves the aforementioned appointment perpetually to the firstborn of his male descendants, and if the male line should entirely fail, the aforementioned appointment shall belong to the firstborn daughter of the firstborn son or sons, ad infinitum, and if the line of the firstborn daughter should fail, it shall belong to the second and third daughters, and successively, until there are relatives and descendants of his family, and always to the closest relative." After the death of the testator, Nicholas, according to the law...

[*Latin ed. p. 392*]

The Acts of the Apostolic See record that, following the death of the parish priest Macarius in 1768, the priest Thomas Occelii was presented as the new parish priest by the clergy, to whom the right of patronage had been bequeathed by the last will and testament. Subsequent nominations were made by the male descendants of James Aloysius, the eldest son of the founder. In 1877, after the last nomination by Augustus Occeili, who died without issue, the male line ceased. However, Secundina, married to Casimir Gautier de Confiengo, and from this marriage was born Edward, who, according to the founder's will, succeeded to the patronage. Nevertheless, in 1887, when the parish became vacant, Irene Cavoretto, the widow of Augustus Occeili, who had married in a second marriage to the Marquis Ignatius Thaon de Revel, and the Marquis with his family, claimed that,

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along with the inheritance from her first husband, Augustus, she had also inherited the right of patronage. However, for this occasion, the right to nominate ceased with Irene Cavoretto, now married to Ignatius Thaon de Revel, and Edward Gautier de Confiengo, and passed to the archiepiscopal court, as evidenced by a decree issued by the court on this day, November 29, 1887, concerning the appointment of the new parish priest, the priest Gianolio: "Exercising the right transmitted to us for this occasion." On December 23, 1913, after the death of the parish priest Gianolio, Countess Mary Scozia de Calliano, the widow of Edward Gautier de Confiengo, within the permitted time, on March 14, 1914, as guardian of her son Robert, who was under legal guardianship due to mental infirmity, presented the priest Vincent Burzio to the vacant parish of Nichelino for appointment by the Turin court. However, on the contrary, the Marquis Octavius Thaon de Revel, son of Ignatius from his first marriage, and therefore the heir through the maternal inheritance of the Cavoretto family, although not connected to the founder by blood, on April 16 of the same year, presented two priests, namely John Porporato and Sebastian Stacchino, for appointment to the vacant parish. Challenging these two nominations, Countess Mary, widow of Gautier de Confiengo, petitioned the archiepiscopal court to investigate the matter of the right of patronage. However, the court, noting that both parties were in a state of legitimate possession of the right of patronage, accepted all three nominations and convened a competition to determine which of the candidates was most worthy of appointment to the vacant parish, while reserving the question raised in the petition regarding the ownership of the right of patronage, and regarding the freedom of the Church under the authority of the Ordinary. In response to this course of action by the court, Countess Gautier de Confiengo appealed to the Supreme Pontiff, who, in a recent decree of June of the past year 1914, deemed it appropriate to refer this matter to the Sacred Roman Tribunal for a decision.

[*Latin ed. p. 393*]

The Roman Rota, in its judgment of 393, while the case against the contumacious Marquis Octavio Thaon de Revel remained pending, having repeatedly summoned him to appear and firmly declared his contumacy, proposes the following questions, arising from the matter itself, with the intervention of the Most Reverend Promoter of Justice, for discussion and resolution of the case: 1) Whether and in whose favor the right of patronage exists in this case; and, if affirmative, to what extent: 2) To whom should the institution [of a cleric] be granted in this case? These questions were presented to the contumacious Marquis Thaon de Revel on the first day of the past month of February, and he was also informed that he could, if he wished, participate in the judgment. In law. – Several types of patronage are enumerated: that which is relevant to the present controversy is

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the division of patronage into hereditary, familial, or gentilial, and mixed. Hereditary patronage, according to Gagliardi de iurepatr., chapter 3, paragraph 16, is defined as "that which, along with the entire inheritance of the founder or patron, passes to the heirs, whether they are outsiders or of the blood, either by intestacy or by will, as an accessory and a member of the inheritance": chapter 1 and chapter With saec. de iurep. and "Clementina Plures de iurep. ...". As a rule, patronage is hereditary and passes with the inheritance, as stated by Cardinal De Luca in Stimma de iurepat., paragraph 26. However, this rule may be superseded by the different will of the testator or another sole possessor, who disposes that the right of patronage pertains to his or another family, or to another kind of persons, and then a familial or gentilial patronage is held. These terms, although sometimes confused by some, are nevertheless distinct from each other. For, as stated by the aforementioned Gagliardi, gentilial patronage is defined as being reserved for one or more categories or lineages of persons, without any agnatic or cognatic relationship, so that these, although lacking the quality of inheritance, can present themselves and fulfill the duties of the patron; while familial patronage is reserved for one or more families or lineages without the quality of inheritance, excluding cognates; if, however, the quality of inheritance must also be present in either the familial or the gentilial patronage, then a mixed patronage is held. In this case, it is beyond dispute that the patronage is gentilial, based on the will of the founder in the year 1741, provided that, in that will, the male descendants from the male line are first called, and then the descendants from the female line, and then all the descendants of the founder's family, so that the closest always takes precedence. Secondly, with regard to the question of the pertinence of the right of patronage or in the petition, with the other party already having made presentations in advance or in the possessory action, these must be carefully considered, as stated by the aforementioned Gagliardi, chapter 19, paragraph 5.

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis - Official Commentary. As a possessor *de facto*, one regularly obtains against the petitioner the right of patronage, to the extent that the presentation made by a possessor acting in good faith must always be considered and preferred over a presentation made by a proprietor who does not possess. This is in accordance with chapter 19 concerning jurisprudence and chapter 7 concerning causes of possession and property. However, in order for this *de facto* possession to be effective in obtaining the institution of the presentation, several things are required: 1) Good faith on the part of the one making the presentation; 2) a colorable title, for as Fagnanus explains, citing chapter 19 and 3 of jurisprudence, "since possession takes on the nature of a title from which it originates, if ever a bad and defective title for possessing should appear,

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then the presumption of a good title yields to the truth, and possession is not considered"; 3) knowledge and patience, both on the part of the true patron and the Ordinary who confers the institution; 4) finally, that the presentation made by the *de facto* possessor has, in the final analysis, achieved its intended effect. Furthermore, in order for the *de facto* possessor to obtain the benefit of the right of patronage, it is necessary that the intended petition be, as the pragmatists say, "turbid"; otherwise, it is different when the proof of ownership is clear and immediate; in that case, according to chapter 6 concerning causes of possession and property, the possessory right is absorbed by the petition. However, a full and perfect proof, according to Gagliardi, chapter cited, no. 39, of the right of patronage is considered to have been immediately made when it is clear, either through the confession of the party or through the instrument of foundation, or through a judgment, or through equivalent proof.

In fact, regarding the existence of the right of patronage in this case, and that it is a hereditary and not a personal right, this has already been discussed. Also, that the male line descending from James Aloysius, the eldest son of the founder Nicholas Manfredi Occelli, ceased with the death of Augustus on March 8, 1877, without issue, is deduced from the genealogical tree exhibited in the records; and that this line has always exercised the right of patronage, is shown by the report from the court of Turin transmitted to this Tribunal. With the extinction of the male line, the right of patronage should have passed, through testamentary disposition, to the female line of the eldest daughter: "lacking completely the male line, said right will belong to the eldest daughter of the eldest son, or sons, ad infinitum." But the aforementioned Augustus had two sisters, the elder of whom, Secundina, married Count Casimir Modest Gautier de Confiengo; therefore, the right of patronage passed to her, or to her eldest son, Edward; this Edward, in turn, married Mary Scotland Galliano, with whom he had a son, Robert, the current patron, and in whose name his mother, a widow, presented the case to Father Vincent Burzio. It does not follow from the fact that Robert is under interdiction due to mental infirmity that he is incapable of possessing the right of patronage, as...

[*Latin ed. p. 395*]

St. Bonaventure teaches that those who are insane or of unsound mind are not incapable of exercising dominion, see De Lugo, *De iur. et iur.*, disp. 3, n. 14. It is possible that an interdict due to mental weakness could be likened to this, and just as those under interdict require a tutor to exercise their rights, see De Lugo, disp. 22, sec. 10, n. 281, so too, in the case of Robert, whose rights were exercised by his mother, as previously stated in the presentation, it must sometimes be said that Irene Cavoretto, the heiress of the deceased August Oceelli, who later married the Marquis Ignazio Thaon de Revel, could not rightfully claim the patronage, because

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it was not a hereditary patronage, but one pertaining to the entire lineage, and she herself was not of the blood of the founder Oceelli; moreover, her actual stepson, the Marquis Octavius Thaon de Revel, the defendant in the case, and equally foreign to the family and the blood of the founder, cannot claim it. Nor can the asserted possession or designation made in 1887 by his aunt, Irene Cavoretto, be of any benefit; for no designation had any validity on the part of Irene at that time, but rather, the parties, or rather, Irene and Count Edward Gautier de Confiengo, submitted the matter to the free judgment of the court of Taurinensis, as is evident from this record in the proceedings, and as was indicated in the specific facts of the case. Therefore, there was no possession of the patronage on the part of Irene Cavoretto, because, in that instance, the designation was submitted to the free will of the Ordinary. But, granted that the possession initiated by the aforementioned Irene was regular and legitimate, in the present judgment, no attention could be given to the effect of maintaining her stepson, the Marquis Octavius, in the designation of the two priests, Stacchino and Porporato, because there is clear and undeniable proof of the pertinence of the patronage in favor of Robert Gautier de Confiengo, for whom his mother instituted legal action as his tutor; this proof comes from the recently discovered will of the founder himself, due to whose ignorance the court of Taurinensis admitted the designations of Stacchino and Porporato; it also comes from the genealogical tree supported by documents, and from the confession of the defendant to the plaintiff in a letter in which he wrote: "I believe that, not being concerned with the Nichelino family, I have no involvement in the matter, and even if I did, I would hasten to cede all rights to his relatives, as it would be my elementary duty." And in these conclusions, the Public Prosecutor before the Most Holy Tribunal also agrees, who represents the interests of the court of Taurinensis in defending the freedom of the Church. Therefore, there is no doubt about the pertinence of the patronage in favor of Robert Gautier de Confiengo, and consequently, the priest Burzio, presented by him, should be instituted. With all of these matters elucidated in fact and in law, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and only God,

[*Latin ed. p. 396*]

396 Acta Apostolicae Sedis – Having before our eyes the official commentary, We decree, We declare, and We definitively pronounce: The right of patronage in this case pertains to Robert Gautier de Confiengo, and the institution to the parish of the town of Nichelino is to be granted to the priest Vincent Burtio; or, answering the proposed questions: To I. Affirmative, with the favor of the Count Robert Gautier de Confiengo; to II. The institution is to be granted to the priest Vincent Burtio; furthermore, We condemn the Marquis Octavius Thaon de Revel to bear all the costs of the proceedings. Thus We pronounce, commanding the Ordinaries of

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the places and the officials of the tribunals to whom this pertains, that they should enforce this Our definitive sentence, and proceed against those who resist, according to the sacred canons, and especially chapter 3, session XXV, of the Council of Trent, employing the executive and coercive means that shall be more effective and opportune for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 16th of March, 1915. Joseph Mori, Prefect. Frederick Cattani. Anthony Perathoner. I. L. %j S. From the Chancery, 7th of April, 1915. Sac. T. Tani, Notary.

[*Latin ed. p. 397*]

DIARY OF THE ROMAN CURIA

SECRETARY OF STATE

NOTICE OF COMPETITION

The method ordinarily followed by the Holy See to fill vacancies in the lower offices of the pontifical diplomacy is to, from time to time, hold a special competition among those aspiring to this career, when no suitable candidate is available for the position to be filled; which, however, has not prevented the adoption of the general competition system at times.

The Holy See has therefore decided to hold a general competition, to which all those aspiring to the diplomatic corps of the Holy See will be admitted.

The examination will take place within the next month of September; but applications must be submitted to the Secretary of State no later than August 10th. The exact date of the examination will then be announced to the candidates themselves, with some advance notice.

The requirements for admission are:

a) To be of civil condition, and of a family whose respectability and honor cannot be doubted.

b) To present the certificate of priestly ordination and the letter of recommendation from one's Ordinary. The Holy See, for its part, reserves the right to obtain any further indications and information that it deems necessary.

c) To present a degree in Canon Law, and certificates of literary and ecclesiastical studies regularly and laudably completed.

Those who, in addition to the aforementioned requirements, also possess a degree in other faculties, especially in Sacred Theology, and demonstrate knowledge of other foreign languages – in addition to French, which is the subject of the examination – will, under equal conditions, be pre-

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ferred.

The examination will be written and oral, and will cover the following subjects:

a) Ecclesiastical public law;

b) International law;

c) Church history, with special regard to the relations between the Holy See and the States;

d) Diplomatic style;

e) French language.

ACTA, vol. VII, n. 13. — July 31, 1915.

[*Latin ed. p. 398*]

Acts of the Apostolic See - Official Commentary 398. For each of these subjects, the topics on which the examination may be based have already been established in a special program, and those participating will have the opportunity to obtain it by contacting the Secretariat of State. The candidates will only experience the inconvenience of suspending their activities for a few days, as they will return to them as soon as the examinations are completed. The written and oral examinations, which they will take, will serve to demonstrate their ability, and the assessment of this ability will then be used to determine the Holy Father's choice when the time comes to renew or increase the number of lower-ranking personnel in the Pontifical Representations abroad. The results of the examination will be communicated to the young ecclesiastics who have taken it; but even if the result is favorable, they will not have the right to be admitted to the diplomatic service of the Holy See, and they must return to their dioceses, until it pleases His Holiness to provide for any possible vacancies in the offices of pontifical diplomacy, choosing from among those who, through previous examinations, have been recognized as suitable for said service. BY APPOINTMENT. With letters from the Secretariat of State, the Holy Father has deigned to appoint: July 24, 1915. — His Eminence Cardinal Gaetano Bisleti, Member of the Sacred Consistorial Congregation. — His Eminence Cardinal Filippo Giustini, Protector of the Institute of the Sisters of Charity of the Immaculate Conception, which has its Mother House in the diocese of St. John (Canada). With Apostolic Briefs, the Holy Father has deigned to appoint: Assistant at the Papal Throne: July 21, 1915. — Mgr. Enrico Giuseppe Richter, Bishop of Grand Rapids. Apostolic Protonotaries ad instar participantium: July 12, 1915. — Mgr. Pietro Bouyer, formerly Apostolic Administrator of the diocese of Martinica. July 18. — Mgr. Edoardo Burke, of the Archdiocese of Toronto, formerly President of the Catholic Church Extension Society in Canada. July 27. — Mgr. Luigi Iauch, of the

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Archdiocese of Paris.

[*Latin ed. p. 399*]

The Roman Curia Diary, No. 399, Domestic Prelates of His Holiness: July 13, 1915. — Monsignor Francesco Samà, of the diocese of Oppido Mamertina. July 17. — Monsignor Patrizio Lynch, of the diocese of Salford. — Monsignor Giacomo Kennedy, of the diocese of Dunkeld. July 18. — Monsignor Leopoldo Nardelli, formerly pastor of Saint Eustachius in Rome. July 20. — Monsignor Carlo Salotti, assessor of the Sacred Congregation of Rites and under-promoter of the Faith. HONORS With Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Knighthood of the Order of Saint Gregory the Great: July 28, 1915. — To the Most Noble Marquis Luigi Lepri, Guardiagrele. The Commanderate of the Order of Saint Gregory the Great, civil class: July 25, 1915. — To the Knight Paolo Croci, president of the Saint Peter Circle. The Knighthood of the Order of Saint Gregory the Great, civil class: July 23, 1915. — To the gentleman Gaetano Semitecolo, of Rome. July 26. — To the gentleman Luigi Baldassarri, official of the Holy See, Congregation of the Council. The Knighthood of the Order of Saint Sylvester the Pope: July 17, 1915. — To the gentleman Doctor Cirino Locaste, of Rome. THE PAPAL HOUSEHOLD BY NOMINATION With Letters from His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint: Honorary Secret Chamberlains of His Holiness: May 18, 1915. — Monsignor Guglielmo Veitch, of the diocese of Harbour Grace. June 5. — Monsignor Filippo Pirri, of Rome. July. — Monsignor Giovanni van Schaik, of the archdiocese of Utrecht.

[*Latin ed. p. 400*]

400 Diary of the Roman Curia, July 1st. – Monsignor Bernard Palmer, of the diocese of Plymouth. July 3rd. – Monsignor Francesco Saverio Kessler, of the diocese of Spires. July 28th. – Monsignor Nazareno Ignazi, of Rome. Honorary Chaplains in peacock blue vestments of His Holiness: July 1st, 1915. – Monsignor Fortunato Giacomelli, of the diocese of Padua. July 3rd. – Monsignor Alberto Rey Gonzalez, of the archdiocese of San Cristoforo de Laguna. – Monsignor Potito Capriglioue, of the diocese of Ascoli and Cerignola. July 14th. – Monsignor Luigi Del Magro, of the archdiocese of Lucca. Honorary Chaplains of the Sword and Mantle, extraordinary, of His Holiness: July 3rd, 1915. – Commendatore, Advocate Assuero Roggeri, of the archdiocese of Bologna. – Advocate Giovanni Maria De Marinis, of the diocese of Aquila. NECROLOGY: July 8th, 1915. – Monsignor Enrico Vollmar, titular Bishop of Pergamon, formerly military vicar of the Prussian army in Castres.

[*Latin ed. p. 401*]

On the first day of August, 1915, Year VII, Volume VII, Number 14. ACTA APOTOLICAE SEDIS COMMENTARIIUM OFFICIALIA. ACTS OF

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THE SUPREME APOSTOLIC SEDITON: COMMENTARIES, OFFICIAL. BENEDICT, POPE XV, APOSTOLIC CONSTITUTION CONCERNING THE CELEBRATION OF THE SOLEMN COMMEMORATION OF ALL THE DECEASED FAITHFUL. BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE.

The unbloody sacrifice of the altar, inasmuch as it differs in no essential nature from the sacrifice of the Cross, not only brings glory to God and is beneficial to those who, in the miseries of this life, are in need of help and salvation, but also is of great value for the souls of the faithful who are in Christ, for the expiation of their sins. This has been the constant and holy doctrine of the Church. The vestiges and arguments of this doctrine, which "has influenced all ages with the most outstanding benefits, and has aroused the admiration of everyone for the infinite charity of Christ," are clearly found in the ancient Latin and Eastern liturgical rites, in the writings of the Saints, and finally, in the decrees of several ancient Synods. Indeed, the Œcumenical Council of Trent solemnly proposed this for belief, when it taught: "The souls detained in Purgatory are helped by the prayers of the faithful, and by the sacrifices of the Mass."

[*Latin ed. p. 402*]

Acta Apostolicae Sedis - Commentarium Officiale 402. "Et verum est quod sacrificium altaris adiuvare valet," et ilos anathemate percussit, qui dicerent, "sacra non esse litanda 'pro vivis et defunctis, pro peccatis, poenis, satisfactionibus et aliis necessitatibus'." Nec umquam orationem agendi huic docendi rationi dissimile secuta est pia Mater Ecclesia; nullo enim tempore destitit Christifideles vehementer hortari, ne parentur, defunctorum animas carere utilitatibus, quae ab eodem Missae sacrificio uberrime profluerent. Quatenus in re hac laudari Christianum populum debet, nunquam eius pro defunctis studium industriamque defuisse: ac testis Ecclesiae historia est, cum fidei caritatisque virtutes altius insederent animis, actuosioremtunc operaret reges et populos, ubicumque patebat catholicum nomen, ineluendas Purgatorii animas contulisse. Ea ipsa profecto effecit tam incensa maiorum pietas, ut, plura ante saecula, in Regno Aragoniae, consuetudine paulatim inducta, die Sollemni Commemorationis omnium defunctorum sacerdotes saeculares sacrum bis peragerent, ter vero regulares; quod privilegium Decessor Noster immortalis memoriae Benedictus XIV non modo, iustis de causis, confirmavit, verum etiam, rogatu Ferdinandi VI Hispaniarum Regis Catholici, itemque Ioannis VI Lusitaniae Regis, Litteris Apostolicis, die XXVI mensis Augusti, MDCCLXXVIII datis, ita produxit, ut cuilibet sacerdoti regionibus utrique Principi subiectis facultatem faceret ter adem in Sollemni Commemoratione litandi. Procedente autem tempore, permulti, tum sacrorum Antistites, tum ex omni ordine cives, iterum et saepius supplices preces Apostolicae Sedi adhibuerunt, ut eiusmodi

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privilegio ubicumque gentium liceret uti: eademque de re a proximis Decessoribus Nostris et a Nobismetipsis, in hisce Pontificatus Nostri primordiis, postulatum est haud semel. Nec vero dixeris, causas, quae ad propositum olim afferuntur, iam nunc defecisse: quin immo et exstant adhuc et ingravescunt in dies. Etenim Christifidelium, qui Missas indefunctorum solacium celebrandas vel quovis modo statuerint vel testamento legaverint, pia haec in-

[*Latin ed. p. 403*]

The Acts of Pope Benedict XV, page 403, state that certain things are to be instituted and decreed, partly to be established, and partly so that those things which ought to be observed by all may not be neglected. Furthermore, it is added that, concerning those very things, the diminution of which causes many to grieve, they are urged to petition the Apostolic See. Therefore, we, deeply lamenting the negligence of those who do not fulfill their duty in this matter, are moved by charity towards the souls of the departed, even to the point of being deeply moved, to make up, as far as it is in our power, for the deficiency in the number of Masses offered. And indeed, this compassion moves us all the more today, when, amidst the almost universal devastation caused by the cruel war in Europe, we see with our own eyes a vast number of young men, in the prime of their lives, falling in battle; and although the piety of their relatives may not be lacking in the future, how can one deny that there is an equal need? For since we are all made brothers by the divine will, we desire, with paternal generosity, to abundantly share with them from the treasures of Christ Jesus. Therefore, having invoked the light of heavenly wisdom and having heard the opinions of certain Fathers, Cardinals of the Holy Roman Church, and of the Sacred Congregations concerning the discipline of the Sacraments and the Sacred Rites, we establish the following, to remain forever.

I. It is permitted to all priests in the entire Church to say three Masses on the day on which the Solemn Commemoration of all the faithful departed is celebrated; but with this condition, that each priest may apply one Mass as he pleases and receive its stipend; and that, having received no stipend, he must apply another Mass for the suffrage of all the faithful departed, and the third according to the will of the Supreme Pontiff, which we have already declared to be sufficient.

II. What our predecessor, Pope Clement XIII, granted by letters dated May 19, 1761, namely, that all altars should be privileged on that very day of the Solemn Commemoration, we confirm with our authority, as it is fitting.

[*Latin ed. p. 404*]

Acts of the Apostolic See - Official Commentary 404 I I I. The three Masses, of which we have spoken above, are to be read as follows, as Our Blessed Predecessor Benedict XIV prescribed for the Kingdoms of

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Hispaniae and Lusitania. Whoever wishes to celebrate only one Mass, let him read the one inscribed in the Missal, to be said in commemoration of all the faithful departed; and let him use the same if he wishes to celebrate Mass with singing, having been granted the power to anticipate the second and third.

V. Thus, if it should happen that the Most Holy Sacrament is exposed for the Forty Hours of Prayer, the Mass for the Repose of the Souls, to be said with the priestly vestments of the color violet, which are necessary (Decree General Sacred Congregation 3177-3864), must not be celebrated at the Altar of Exposition.

Regarding the rest, we are certain that all Catholic priests of the world, although it will be permitted to them on the Solemn Day of the Commemoration of all the faithful departed to recite the Mass only once, will gladly and diligently embrace this distinguished privilege which We have granted. Indeed, We earnestly urge all the children of the Church, mindful of the duty which binds us to our brothers and sisters suffering in the fire of Purgatory, to attend these sacred services with the utmost devotion. It is certain that, with immense refreshment flowing from the salutary prayers, the souls of the departed, who are offered each year, will happily join the blessed triumphant Church in Heaven.

These things which We have established in these Apostolic Letters, We declare to be valid and firm forever, notwithstanding any law previously enacted by Our Predecessors regarding Masses not to be said.

Given in Rome, at Saint Peter's, on the 13th day of the month of August, in the year 1915, in the first year of Our Pontificate.

P. CARD. GASPARRI, Prefect of the Sacred Congregation.

Reference: See Plumbi.

VISA M. RIGGI, Chamberlain, Notary, in the Cardinal's College, Isaiah 15.

[*Latin ed. p. 405*]

Acts of Pope Benedict XV, 405. LETTERS I, TO Cardinal Joachim Arcoverde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, and to the other Archbishops and Bishops of Southern Brazil, to congratulate them on the complete harmony with which they consult on matters concerning the good of their dioceses.

Beloved Son and Venerable Brothers, greetings and the apostolic blessing. — We have recently received the letters which you sent to us, gathered together in Neo-Friburgo; and in them, we rejoiced, both in the expression of your piety towards Us, and in the concord with which, as you write, you deliberate on matters of importance. Such a harmony of minds is, indeed, pleasing to Us, beloved Son and Venerable Brothers, and how many benefits it promises to your Churches! For, not only does it, more than words

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can express, draw your hearts closer together in charity each day, but it also provides you with a way to act in a manner so similar that the benefits thereof are scarcely worth mentioning. We wish only to commend you for the services you have rendered, and to show our approval of your pastoral diligence; and as a pledge of this, we impart to you all, beloved Son and Venerable Brothers, to the clergy and to the people of each of your dioceses, the apostolic blessing, which, as a reconciler of heavenly gifts, we grant earnestly in the Lord.

Given at Rome, at St. Peter's, on the thirtieth day of May, in the year 1915, in the first year of Our Pontificate.

BENEDICT XV.

II, TO the Most Reverend George Triller, Prelate of Urban, President of the Association for the Publication of Catholic Writings in Bavaria, for the purpose of congratulation.

Beloved Son, greetings and the apostolic blessing. — We remember with gratitude the acts of kindness which you and your colleagues have shown us, and we gladly accepted from you the assistance which you offered to our endeavors. We are pleased to recall your studies, and we rejoice that we have been able to contribute somewhat to the growth of your Association. You write to us, beloved Son, that these increases, due to the prudent counsel of the administrators and the diligence of the members, have been so pleasing in recent years that...

[*Latin ed. p. 406*]

406 From the Apostolic See – An Official Communication: May it provide that which it promises, so that the most holy and most important cause may be defended with equal strength. You could not have brought us anything more pleasing. For, especially in this time, we see how all the arts of the wicked are employed to harm, and how they pursue these harmful paths with constancy and singular determination. And since, as is easily understood, the causes of offense are so widely spread among Catholics, nothing is more desirable to us than that the number of those who perform the task of writing may increase, and that the writings may be disseminated so rightly, that they may come daily into the hands of everyone, so that they may be edified, admonished, and encouraged to pursue Christian studies and virtues. But, from those things which you have recently presented, we know that you are among those whose diligence does not require encouragement, and whose merit is so great that it provides examples of active charity, which others may imitate usefully. May the divine graces and the witness of our apostolic benevolence be a blessing, which we impart to you, beloved son, and to all your companions, wholeheartedly in the Lord. Given in Rome, at St. Peter's, on the sixth day

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of June, 1915, in the first year of Our Pontificate. BENEDICT XV. TO THE REVEREND FATHER DOM MARIANUM ANTONIO ESPINOSA, ARCHBISHOP OF BONAËRENSEM, AND TO THE OTHER BISHOPS OF THE REPUBLIC OF ARGENTINAE, CONCERNING THE SACRED BUILDING OF THE NATION IN THE CITY. Venerable Brothers, greetings and apostolic blessing. – Our beloved son, Father Joseph Gallardo, together with the most excellent [person] who represents the Republic of Argentina with us, has sent us your common letter; from which we have certainly received great joy. For we understand that you write that, in this blessed city, as in other nations, it may be permitted, through us, for your nation to have its own sacred building. This is indeed something that pleases us greatly, since it is very useful for strengthening the bonds of Catholic unity, with which you are happily and most closely united with this Apostolic See. Therefore, that priest, Mariae, whom we have praised, began to build that very building near Trasimene, with the approval of Our predecessor of blessed memory, Pius X, and it is now, as is reported, almost completed. And he himself, providing a truly excellent example of generosity, having built it from the ground up at his own expense, has also provided suitable...

[*Latin ed. p. 407*]

The acts of Pope Benedict XV, page 407, promise benefits, and We, according to your wishes and those of the pious founder, grant these to the nation of Strasbourg, enriching it entirely with privileges, just as the sacred edifices of cities, whether of the Spanish or French, are enriched. Therefore, We rejoice that your City, as the first of all Republics from America, may obtain a prominent and unique place of honor in this center of the Catholic name and in the common station of the Church. We trust that the works of the new temple will soon be completed; and that you, for the celebration of its dedication, may have as many present as possible. May the most gracious Mother of God always look favorably upon the Republic of Strasbourg; and, in return for your piety in remembering her, may she abundantly delight you with the gifts of her blessings. With these hopes, and as a testament of Our benevolence, We impart to you, venerable Brothers, to our beloved son Joseph Gallardo, and to all those entrusted to your care, Our most affectionate apostolic blessing. Given in Rome, at St. Peter's, on the sixteenth day of the month of June, in the year 1915, in the first year of Our Pontificate. BENEDICT XV.

To the Most Reverend Father Hyacinth Petroni, Secretary General of the Missions "Ad Praesidium Sanguinis," as the centenary of the foundation of the Society approaches.

Beloved Son, greetings and Our apostolic blessing.

We have always held the best opinion of the family of missionaries under your guidance, for We have observed your prudence, diligence, and constancy in seeking, at the same time, the glory of the divine name and

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the eternal salvation of souls. For this reason, We were very pleased by the letters We recently received, in which, as the century of the foundation of the Society draws to a close, you, beloved Son, approached Us with a most pleasing act of piety: in those letters, grateful to God, who has bestowed upon you every kind of benefit until now, you, on behalf of all the members of the Society, implored Us to grant you divine assistance in the future, through prayer. Indeed, We believe that the benevolent Providence of God has shown a special favor to you, which is evident to all who consider the life and labors of your venerable Father, or who consider how quickly he was enrolled among the blessed in heaven, and how much he inspires emulation in his successors and students, and how he has contributed to the growth of the Society, even across the Atlantic.

[*Latin ed. p. 408*]

408 Acta Apostolicae Sedis - Official Commentary. We consider that you are attentive to those who have been entrusted to you in the sacred ministry, and that you seek the spiritual benefit of souls. Considering this, we congratulate you, and we earnestly implore heavenly assistance, believing that this is a most fitting endeavor. For you, by professing a particular care for the promotion of the worship of the Precious Blood, embrace an undertaking which is never inopportune, but especially so in these times. For what is the reason that the world is afflicted by so many miseries and calamities today, if not that men, almost forgetting Jesus Christ, from whom they were bought at a great price and redeemed to freedom as sons of God, have turned away all their thoughts to earthly things, and thus have provoked the wrath of the Father upon themselves? The hearts of men must be renewed in love and devotion to the Crucified, if we truly desire to appease the heavenly wrath. Indeed, in all human affairs, there can be no stable and lasting peace, except through Him, in whom the Father has reconciled all things, through the blood of His cross, whether things on earth or things in heaven (Colossians 1:20). Truly, Jesus, hanging on the cross, imparts all the signs of His life through the shedding of His blood, as if by voice, and especially proclaims to the entire world: that through His own charity, accompanied by suffering, the salvation of the human race has been restored. Therefore, how can those who do not follow Christ, who is both loving and patient, hope to share in this salvation? But we see that the flaw of this age is twofold: that men are not guided by the standard of Christian charity, but by excessive self-love, and that they avidly seek pleasures, despite the great pain. Therefore, diligently propagate the worship of the Divine Blood, as you have instituted, and you will contribute more fruitfully to the good of souls and of human society. We, as a pledge of divine favor and a witness of our paternal benevolence, impart our apostolic blessing to you, beloved son, and to all your associates. Given at Rome, near St. Peter's, on the twentieth day of the month of July,

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in the year 1915, in the first year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 409*]

The Most Holy Congregation of the Holy Office 409. THE MOST HOLY CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES) I. DECREE: CERTAIN DOUBTS REGARDING THE FACULTIES AND PRIVILEGES OF SECRETARIES OF THE PIOUS WORKS FOR THE PROPAGATION OF THE FAITH, OF SAINT FRANCIS DE SALES AND OF THE HOLY INFANCY, ARE RESOLVED.

Most Holy Father, Pope Benedict XV, having granted an audience to the Reverend Father, the Assessor of the Holy Office, on Thursday, June 10, 1915, and after the Most Reverend and Venerable Cardinals, General Inquisitors, having given their assent on Wednesday, June 9, 1915, to the following doubts:

I. "Do priests who, in the service of diocesan curias, receive offerings over the course of years, which the parish priests have brought to the respective diocesan directors of the Pious Works for the Propagation of the Faith, of Saint Francis de Sales and of the Holy Infancy, have the right to the faculties and privileges of the parish priests, in order to transmit these offerings?"

II. "Can the aforementioned directors have the authority to communicate these same faculties and privileges to the same secretaries?"

It was ordered that the following be answered: "No, to both."

Contrary opinions notwithstanding.

R. CARD. MERRY DEL VAL, Secretary.

L. & S. f Donatus, Archbishop of Ephesus, Assessor of the Holy Office.

II. DECREE: CERTAIN DOUBTS REGARDING INDULGENCES ATTACHED TO THE PRAYER OF THE APOSTOLATE ARE RESOLVED.

The following doubts were proposed to this Most Holy Congregation of the Holy Office:

I. "Can those who are enrolled in the Prayer of the Apostolate, in order to obtain the indulgence attached to the day of enrollment, choose a different day, at their own discretion, instead of the very day of enrollment?"

[*Latin ed. p. 410*]

410 Acta Apostolicae Sedis - Official Commentary II. "Can the daily morning prayer, to be performed according to the statutes, through any formula whatsoever, within the aforementioned Apostolate, be accomplished through a purely internal act?" • The Eminent and Reverend Fathers, Cardinals, General Inquisitors, on Thursday, June 9, 1915, judged that the following should be answered: To I: "No." To II: "The intention must be expressed vocally through the formula." And on the following Friday, June 10, of the same month and year, His Holiness, Our Lord,

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Pope Benedict, of blessed memory, Prefect of XV Congregations, having imparted this to the Reverend Father, Prefect of the Holy Office, approved the judgment of the Eminent Fathers and confirmed it with His Supreme Authority. Contrary opinions notwithstanding. R. CARD. MERRY DEL VAL, Secretary. f Donatus, Archbishop of Ephesus, Prefect of the Holy Office.

III DECREE WHEREBY THE DECREE OF THE HOLY CONGREGATION OF INDULGENCES OF MARCH 12, 1855, CONCERNING THE APPLICATION OF THE ALTAR'S PRIVILEGE, IS CONFIRMED. To the Most Holy Sacred Congregation of the Holy Office, the following question was proposed: "Should the Decree of the Holy Congregation of Indulgences, dated March 12, 1855, be considered abrogated by the resolutions given by the same Holy Congregation on June 19, 1880, and December 19, 1885; so that, both the priest celebrating and the faithful offering the Mass stipend, must entirely elicit the intention, at least virtually, of obtaining for the deceased the plenary Indulgence of the privileged Altar?" The Eminent and Reverend Fathers, Cardinals, General Inquisitors, on Thursday, June 16, 1915, judged that the following should be answered: "No." And His Holiness, Our Lord, Pope Benedict, of blessed memory, Prefect of XV Congregations, having imparted this to the Reverend Father, Prefect of the Holy Office, on the following Friday, June 17, of the same month and year, approved and confirmed the judgment of the Eminent Fathers. Contrary opinions notwithstanding. R. CARD. MERRY DEL VAL, Secretary. f Donatus, Archbishop of Ephesus, Prefect of the Holy Office.

[*Latin ed. p. 411*]

The Most Holy Congregation of the Holy Office, 411 IV, DECREE: AN INDULGENCE IS AMPLIFIED AND ADDED TO A CERTAIN PRAYER, SO THAT IT MAY BE OBTAINED AS MANY TIMES AS POSSIBLE. July 8, 1915. Our Most Holy Lord, Pope Benedict, of divine providence, XV, in an audience granted to the Reverend Father, Assistant of the Holy Office, deigned benignly to grant that all and each faithful who recite the prayer to Jesus, expressed in the Italian language as follows: "O Jesus, eternal life in the bosom of the Father, life of souls made in your likeness, in the name of your love, make known, reveal your Heart," to whom a three-hundred-day indulgence was granted once a day by the Most Holy Pope Pius X through a hand-written Rescript on March 11, 1907, may, in the future, obtain the same indulgence, also benefiting the souls dwelling in Purgatory, as many times as they recite the aforementioned prayer, at least with a contrite heart. This present decree is valid forever, without any brief being required. Notwithstanding any contrary provisions, [signed] C. CARD. DE LAI, Bishop of Sabina, L. % S. f Donatus, Archbishop of Ephesus, Assistant of the Holy Office. SACRED CONGREGATION FOR THE DISCIPLINE OF SACRAMENTS AND CANONICAL ERECTIONS. CASUS. A young man,

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approved by his outstanding integrity of morals and good disposition of mind, was raised to the priesthood almost twenty years ago, and "to this day, as his Ordinary says, he works with great fruit for the care of souls." He "over time, as the Ordinary continues, has repeatedly revealed to me and to my chaplain that he has doubts about the validity of the Sacrament of Holy Orders he received."

[*Latin ed. p. 412*]

412 Acta Apostolicae Sedis - Commentarium Officiale: "Presbyteri dubitabant, sed hoc dubium, usque ad hunc diem, spernebam, putans eam conscientiae scrupulositate nimia ortam." "Res ita se habuit: Gaius, cum in Seminario degeret, maximis angoribus torquebatur ne Sacram Communionem indigne sumeret: et, ne id committeret, actum contritionis perfectae ante sumptionem Sacrae Eucharistiae elicere conabatur. Eodem modo vehementissime timebat ne per indignam receptionem sacri Ordinis presbyteratus sacrilegium forte perpetraret, anxieque secum considerabat num presbyterum consecrari se sineret, vel saltem actum Ordinationis externum, per intentionem non recipiendi sacramentum, annihilaret. Narrat, in hac animi perturbatione, ne voluntatem suam in actu S. Ordinationis mutaret, se sibi proposuisse scriptum in sua cella relinquere: "Volo presbyter ordinari"; hoc autem ex oblivione vel alia causa omisit. Hora constituta, cum ceteris diaconibus, suis coalumnis, in ecclesiam seminarii ad recipiendam Ordinationem accessit. In ipso ritu, sacerdoti, qui ei manus sacro chrismate inunctas ligabat, sicut iste etiam nunc probe meminit, voce submissa ait: "Intentionem meam revocavi." Sed sacerdos scrupulositatem alumni bene noscens, nonnullis eum verbis adhortatus est eo successu, ut ceteris sacris ritibus se subiiceret. Caius postea omnes functiones sacerdotales semper exercuit, sed angorem ne id sacrilege faceret propter invalide susceptam presbyteratus Ordinationem penitus non amisit. Ut eius conscientiae consulerem, anno superiore ego ipse et alii quidam sacerdotes, doctrina et experientia ad id muneris aptissimos, separatim sacerdotem Caium de circumstantiis serio examinavimus, nobisque persuasimus de validitate suscepti Ordinis non posse dubitari; idque Caio aperuimus. Qui nostris adhortationibus brevi tantum pacari potuit; scripsit enim ad capellanum meum suam esse opinionem, in isto examine, utpote perturbato animo, vel se rem non ita plane demonstrasse uti oportebat, vel dicta non recte esse intellecta. Qua in epistola intentionem, quam die Ordinationis habuisset, ita describit: "Firmiter mihi proposueram ut nonnisi post elicitum actum contritionis perfectae Sacram Ordinationem reciperem. Impositione manuum peracta, quam substantialem Ordinationis partem esse putavi, quin contritionis actus elicuissem, mihi proposui: ceteris sacris ritibus me intentione interna non subiiciam, ne fiam irregularis, et ut brevi post, sine dispensatione Sanctae Sedis Apostolicae, Sacram Ordinationem valide recipere et una

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cum consociis meis primam meam Missam celebrare possem."

[*Latin ed. p. 413*]

Sacred Congregation for the Discipline of the Sacraments, 413: "I intended to enter the church with the intention: 'I want to be ordained a priest, but not before having elicited an act of perfect contrition.' Even now, as often before, Caius asked to be reordained under the condition; but since it does not seem sufficiently established whether, in this case, a prudent doubt regarding the validity of the Ordination can be affirmed, I have considered it necessary to refer the decision of this matter to the Apostolic See." — Thus far, the Bishop who presented the case of Caius.

OBSERVATIONS.

1. The Sacred Ordination, from whose value depends the value of almost all the Sacraments, can not only be, but must be, iterated whenever there is some doubt regarding its validity, provided that the doubt is prudent, or reasonable. On the contrary, it cannot be admitted that the Ordination, even conditionally, be iterated if the doubt is utterly groundless, or devoid of any serious foundation; for a grave irreverence would be inflicted upon the Sacrament, which is not repeatable by its very nature. Therefore, it must be considered what kind of doubt the petitioner has proposed.

2. Above all, we note that in the solution of this case, we entirely set aside the controversy regarding the essence of the Ordination, whether it consists solely in the imposition of hands, or also in the tradition of instruments; and also the question which is still defended by a certain most learned canonist, namely, whether in the recipient of the Sacred Ordination, a merely external intention is sufficient for its validity, by which one seriously submits oneself to the essential rites of the Sacred Ordination. Here, only the fact of existence, and not, even the internal intention, is considered. From the exposition of the case, it is clearly evident that we are dealing with a young man who is truly and completely scrupulous, but also a zealous worker in the vineyard of the Lord. The reason for his doubt regarding the value of his Ordination is based on the asserted defect of intention in receiving it. He is, therefore, in a state of mind greatly agitated by scruples. He had previously been accustomed to fear the presumptuous reception of the Holy Eucharist; but as the time of the Sacred Ordination approached, he also began to dread the sacrilegious reception of this Sacrament; therefore, "I firmly stated to him," he says, "that I would not receive the Sacred Ordination except after having elicited an act of perfect contrition." But after the imposition of hands had been performed, without having elicited an act of contrition, he spoke to himself: "The substantial rite of the Sacred Ordination has not taken effect in me; therefore, I will not submit myself internally to the other sacred rites, lest I be irregular, and so that, shortly thereafter, without a dispensation from the Holy See, I may validly receive the Sacred Ordination and celebrate the first Mass with my colleagues."

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Who does not see in such a collection of such foolish thoughts the grave state of scruples in which the young man finds himself?

[*Latin ed. p. 414*]

414 Acta Apostolicae Sedis - Commentarium e Officiale 3. Veritably, it is known that Caius possessed a firm and persevering will to receive the sacred order of the priesthood; so firm, so persevering, that he wished to write in a certain note in his chamber: "I wish to be ordained a priest." At the appointed hour, he came with others to the church, where the ordination takes place; and even amidst the anxieties, which, due to scruples, arose during the sacred rite, his purpose was singular and constant: to celebrate Mass with his companions. This will existed while the Bishop imposed his hands. Indeed, Caius asserts that after the imposition of hands, he revoked his intention with regard to the other rites; but that which is not possessed cannot be revoked. Therefore, Caius himself implicitly confesses that he had a true intention of receiving the sacred order during the imposition of hands by the Bishop. Furthermore, this intention exists in the tradition of the instruments. For, when Caius was being bound with the instruments after the sacred unction, he said, in a subdued voice, to a priest present, that he had retracted his intention; but this priest, knowing Caius's scruples, encouraged him so successfully that he, on his part, performed all the rites of Holy Orders prescribed by the Roman Pontifical. How then can Caius doubt the persevering and true intention, both at the imposition of hands by the Bishop and in the tradition of the instruments?

4. But suppose that Caius, during the course of Holy Orders, resolved in his mind an absurd idea of internally contradicting the external act, lest it become irregular, what value can such an act have? Certainly, this concerns a true scruple; and a scruple properly so called is not in the intellect, not in the will, not in the conscience, but only adheres to the imagination. Indeed, when the imagination is disturbed, a scrupulous person considers as a true dictate of conscience, as a true determination, as a true consent, as a true retraction of the will, what is, in reality, nothing but an imaginary dictate, an imaginary determination, an imaginary consent, an imaginary retraction: but an imaginary retraction of the will can never, in truth, have the power to destroy a true intention, so determined and serious as is that which is in question in this case. Overwhelmed by excessive fear of committing sacrilege, Caius's imagination is disturbed; and in this state of disturbance, he is no longer capable of deliberate will. Hence, all the movements of the mind, under the influence of the scruple, which succeed each other in the course of Holy Orders, consist in imagination, and cannot have any force or efficacy beyond the imagination. What is said by St. Thomas, speaking of baptism conferred upon a madman, who, before his madness, had intended to receive it, can be applied to this case: "He receives the sacrament, even if he is mad at that time, because that contradiction does not proceed

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from the will of reason" (In IV Sent., Dist. 6, Quaest. I, art. % q. 3, a d ' 2).

[*Latin ed. p. 415*]

The Holy Congregation for the Discipline of the Sacraments, 415, 5. Furthermore, for the sake of completeness, it must not be overlooked that this second intention, arising from scruples, even if it is granted that it did not consist solely in imagination, should be considered entirely eliminated by another intention, namely, that which precedes it and prevails, namely, the will to receive Holy Orders without sacrilege. The matter will become clearer with an example taken from the sacrament of matrimony. It is a Catholic truth that among Christians, there is no true marriage unless it is a sacrament, and likewise, it is certainly Catholic that the sacrament is not perfected without at least an implicit intention of doing that which the Church intends. Given these premises, what about so many men, baptized Christians, who, solely for social propriety or solely led by the desire to please their fiancée, enter into marriage before the Church? Do they perfect the sacrament of matrimony? Since two opposing wills cannot coexist simultaneously, it must be asked which will prevailed, whether the will to enter into true marriage, or the will to exclude the sacrament. If the will not to perfect the sacrament prevails, then a true marriage cannot be said to exist; but if, as indeed happens according to ordinary law, the will to enter into marriage prevails, then this absorbs or annihilates the other will, which is contrary to the sacrament, and consequently, the sacrament of matrimony is perfected. Similarly, in the present case, we have two intentions: one is stronger, fundamental, and persevering, namely, the intention to receive Holy Orders without sacrilege; the other is subsequent, induced by scruples during the Holy Order, after the imposition of hands, namely, the intention to submit to the other sacred rites only externally, or without internal consent. But who does not see that this second intention includes a sacrilege far worse, and more grievous, than that which the unfortunate, scrupulous man wished to avoid, namely, the violation of the sacred thing? Therefore, this second intention was destroyed by the prior and stronger intention; and it is clear in every way that any doubt about the validity of Holy Orders rests on a vain and empty foundation. The Most Reverend Fathers, after mature deliberation, in the general meeting held on May 28, 1915, judged that the following should be answered to the question: "How should provision be made in this case?" Answer: Let the petitioner acquiesce. ALOISIUS CAPOTOSTI, Bishop of Thermi, Secretary.

[*Latin ed. p. 416*]

416 Acta Apostolicae Sedis - Commentarium Officiale. S. CONGREGATIO CONCILII GALATAYERONEN. CONCURSUS PAROECIALIS, 16 Ianuarii 1915. Species facti. – Vacante beneficio parochiali in quodam oppido dioecesis Calatayeronen, Reverendissimus Episcopus, die 4 Martii

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anni 1911, concursum indixit, assignatis 20 diebus pro candidatorum inscriptione et pro exhibendis documentis; quo vero ad diem qua concursus habendus esset, ea relinquebatur per alterum edictum determinanda, hisce verbis: « die examinis a Nobis per aliud Edictum statuenda». Et revera die 26 Aprilis subsequentis, altero publico edicto, destinata est dies 8 Maii, hora vero 8,30 a. m. Tempore utili, viginti dierum, quinque sacerdotes nomen rite dederunt; sed die 8 Maii in Curia, tres tantum adstiterunt: quibus praesentibus hora constituta, concursus apertus est; sub hora nona, incoepta iam thematum dictatione, a quarto sacerdote ex inscriptis, hae litterae telegraphicae pervenerunt: « Non essendomi stato communicato personalmente giorno concorso, nè essendo stato affisso alle « porte delle chiese, prego V. E. sospendere oggi esame, altrimenti « riserbomi azioni concessemi diritto ». Episcopus tamen censuit incoeptum iam concursum non esse interrumpendum. Expleto itaque concursu et peracto scrutinio, examinatores prosynodales renunciarunt dumtaxat Episcopo, eorum sententia ad paroeciam vacantem idoneum esse N. N., silentes omnino de ceteris duobus; renunciatum autem ab ipsis idoneum, Episcopus in beneficio rite instituit et in possessionem suo tempore immisit. Adversus huiusmodi concursus exitum, querelam ad hanc S. Congregationem detulerunt, tum quartus sacerdos, qui ad periculum ne accesserat quidem, petens acta nulla et irrita declarari, eo quod ipse non fuerit personaliter citatus pro die concursus; tum duo sacerdotes qui idonei renunciati non fuerunt, appellationem interponentes a mala examinatorum relatione. Utraque igitur querela in praesenti causa expendenda venit.

[*Latin ed. p. 417*]

Synopsis of the discussion, section 417 of the Decrees of the Holy Council, a) Concerning the nullity of the process. – The nullity of the process is alleged based on the summons. However, it must be noted that, in fact, the priest appealing falsely asserted, both in the telegraphic correspondence mentioned above and in the appeal itself, that "the second edict was not affixed to the doors of the church, but inside the sacristy, and specifically in a frame where the decisions of the chapter are posted." In fact, as evidenced by the statements of the witnesses, which are recorded in the proceedings, the contrary is true, namely, that "the second edict, which established the date and time, remained properly affixed 'to the doors of the cathedral and parish churches' from April 27th to May 8th, inclusive." Therefore, only one reason for the alleged nullity remains: namely, that the priest appealing was not personally summoned to the process on the day appointed. Several authorities on this matter seem to support the necessity of such a summons: for example, Lotterius, *De re benef.*, II, q. XXXI, n. 54, 55, speaking definitively about the process for a parish, states: "If several [persons] have opposed [the appointment] and have been described [as candidates], all must be subjected to examination, or at least called

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individually; because, where there is a known opponent, a summons by edict is not sufficient, but an individual summons is required, according to the rule which is placed first by Alexander [de Officis], etc." The Holy Roman Rota also cites this. Leurenius, *de foro benef.*, p. I, c. 3, q. 180, explicitly agrees with this opinion; Ferraris, *Bibl.*, s. v. concursus, add. n. 63, and especially Ventriglia, *Prax. for.* II, adn. v/§. 17, give the reasoning for this in other words: "If the Bishop proposes an edict for the vacation of a parish church, in which he cites and warns all who intend to participate in the process and to present themselves for examination within ten days, without mentioning the date of the examination, those who have presented themselves must be personally notified of the date of the examination, and the reason is, because when the candidates are known, that well-established rule applies, that when a specific opponent is known, he must be summoned individually, and not by edict"; see also Monacelli, *Formul.*, tit. V, form. 10, no. 6; Gennari, *in Monitore eccl.*, sez. III, part. III, page 58. Although this is not explicitly stated in any law, it is sufficiently supported by the nature of the matter itself. Indeed, from the nature of the matter, it follows that between the Bishop who announces the process and the individual opponents, whose names have been received by him, a quasi-contract arises, from which the right arises for the opponent to be examined; and, of course, it is necessary that he sufficiently knows the determined date and time of the examination in order to be able to present himself. Furthermore, this can be legitimately accomplished in two ways: 1) either by the first edict announcing the process, before any of the candidates can be listed; or 2) if the first edict does not assign a specific date, but - whether tacitly or explicitly -

[*Latin ed. p. 418*]

418 Acta Apostolicae Sedis - The official commentary expressly states that, in order to complete the quasi-contract, it is necessary to further notify the parties involved. However, they argue that the legitimate method of this notification differs, depending on whether the opponents have already been registered and accepted by the Bishop, or not; if no one has yet registered and been accepted by the Bishop, a new general edict will be necessary; but if some, or even one, has registered and been accepted by the Bishop, notification on a specific day must be made through personal notification to the registered or unregistered individuals. It is a well-established principle in common judicial practice, as stated, for example, by Emus Lega (De lud., I, 432): "It must be carefully observed that there is no place for an edictal citation, unless it has been determined that a personal citation cannot be given." Therefore, in favor of the appellant, it is concluded that, since he, having reasonably expected a personal citation as a result of the contract initiated with the Bishop who accepted him, did not receive it, he was justified in demanding that the proceedings be

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interrupted, and that, having had this demand rejected, he is now justified in requesting that this Holy Congregation declare the proceedings already completed to be invalid. Conversely, the first argument raised is the custom prevailing in the diocese of Calatayeronensi: in fifteen records, similar cases are cited concerning a second public edict for the designation of the date of the competition, without any personal summons or citation being given to the already registered candidates. The oldest of these is the edict for the competition for the parish of Gran Sammichele, dated May 14, 1867, which reads: "The date of the examination will be set by another edict," which, according to another edict also existing in the records, was given on December 28 of the same year. Therefore, this is a custom of at least forty years, which, according to all, is sufficient in canon law to abolish a contrary law. Furthermore, not all the laws that regulate parish competitions have the power to invalidate. Specifically, with regard to Constitutiones Benedicti, in which (§ 16, n. 2), the form for announcing a competition for a vacant parish is prescribed by edict, and it is recommended that the time when the competition will be held be specified in the same edict, not all the prescriptions contained therein are subject to a nullifying clause. Indeed, Reclusius states this in de re parodi., II, t. IV, n. 84, but he is mistaken, as can be seen from the text of the same Constitution, § 16, n. 1, and § 18 (cf. also Monit. Eccl., I, vol. III, p. 86). Hence, Cardinal D'Annibale, in his Summula, 1. III, n. 45, note n. 14, briefly and concisely distinguishes: "The following precautions must be observed: I) in Trid. sess. XXIV De ref., c. 18; II) in the cited Constitution of St. Pius V, In conferendis; III) in the encyclical Benedict XIV Cum illud, in which the Instruction of the Holy Congregation for Bishops, issued by Clement XI in 1721, is superseded. These, however, are diligently...

[*Latin ed. p. 419*]

Sacred Congregation of Councils 419: "Distinctions must be made: for if those [T] are not observed, the dispensation is invalid; if these [II] are not observed, it is both invalid and reserved to the [R. P.]; if these [III] are not observed, it remains valid." Therefore, since the prescriptions in the Benedictine Constitution contain no clause rendering them invalid, nothing prevents them from being tempered by ordinary custom, as has occurred in the diocese of Calatayud, due to a long-standing custom of issuing a double edict for announcing the parish competition. Nor should it be objected, in this case, that the asserted custom is to be condemned, as if it prejudiced the right to personal citation of third parties, through the inscription carried out by the first edict. For that right to personal citation, as stated in 1. c. Ventriglia, "that when the opponent is known, he must be cited individually and not by edict," indeed applies to judgments, in which personal citation is required to establish contumacy in the defendant (cf. Card. de Luca, de iud., disc. XIX; de iurisd., disc. LXXXVII); but in matters outside of judicial

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proceedings, such as a competition, notification to the candidate already inscribed regarding the date of the competition, made in such a way that he cannot reasonably allege ignorance of the notification, is sufficient; and no canon or law text requires it to be personal. The appellant, in this case, by the very fact of his inscription in the competition, acquired a certain right to the matter, and therefore, as a party with an interest, he must be informed about the fixed date, or cited; but the method of citation can vary, as held by Ceccop. ad Scarfant., 1. II, dec. XXI, n. 21, p. 78. In this case, according to the current custom, it was already stipulated in the first edict for the competition that those who were not inscribed, or the candidates, would be notified by another edict of the date designated for the competition, which was indeed and properly done by another edict affixed to the doors of the parish church and the cathedral, on the prescribed date of May 8th, at 8% [presumably a typo, should be 8 AM]. The inscribed candidates, by registering, accepted this method of notification; therefore, it is uncivil for them to later complain against the Bishop, who did not personally notify them of the date of the competition, since, according to the well-known saying, "what has once pleased, cannot displease anymore." Hence, it is also clear that the argument based on the quasi-contract, which some authors have attempted to use to apply to competitions what is prescribed regarding personal citation in judicial proceedings, cannot be urged in this case. For, in any case, no one can have a greater right than that which was stipulated or promised in the very quasi-contract itself. Therefore, since the Bishop, in announcing the competition, expressly declared by another edict that the date of the examination was to be established or made public, the Bishop was bound by nothing else, by reason of such a quasi-contract.

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis - The official record contains a note, addressed to all concerned, except for the postponement of another edict regarding the setting of the examination date, which was indeed done. Furthermore, the candidates were not from distant towns of the diocese, but all were inhabitants or citizens of the town whose parish was vacant; hence, without any difficulty, and indeed without any special effort, they could have learned the date of the examination, which was determined by an edict affixed to the parish doors. b) Regarding the appeal from a negative assessment of the candidates. - The report of the examiners, as duly published, contains only this: "Having examined the written submissions of the candidates and considered their titles and qualifications, as well as other matters to be considered by law, we judged that the Reverend N. N. is suitable for the parish office, and we report this to the Most Reverend and Most Reverend Bishop." In the records of the examination, there is no list of the points that each candidate received, nor any record of the examiners' judgment regarding the suitability of the

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candidates. Moreover, after the records of the examination were examined in the usual manner by two Consultors in the Holy Congregation, it was concluded that all three candidates were suitable; however, of the three, the aforementioned Reverend N. N. appeared to be the most suitable, after all things were considered. It is, of course, the right and duty of the Bishop to choose, from among those whom the examination has shown to be suitable or worthy, the one whom he considers most worthy in the Lord. Therefore, in this case, the report of the examiners should not simply be called "bad," but only by accident, inasmuch as the examiners appear, at least tacitly, to have declared the other candidates unsuitable or unworthy. Even if we were to grant this, the effect of the appeal from a negative assessment is not to repeat the examination, but only to consider the reputation of the candidates. As Cardinal D'Annibale states in *Summula theol. mor.*, II, n. 47, note 27, and as is well-established in law, an appeal from a negative assessment of the candidates is instituted directly not to obtain the parish, but to remove the infamy inflicted upon the candidate; and he cites Pope Benedict XIV, *Redditae Nobis* to the Archbishop of Florence, April 9, 1746, in which the following is stated: "It is well known that an appeal from a negative assessment of the examiners is either not admitted in a revisional manner, or certainly, only for the purpose that the appellant may consider his reputation and standing, by removing the unjust stigma placed upon him by the Examiners; never, however, so that he may obtain the parish, as Massobrius rightly argues in *Praxi de concurs. disq.*, V, question 4." The Holy Congregation has always held and continues to hold the same view, as can be seen, for example, in *Policastren. Parochialis*, September 14, 1745.

[*Latin ed. p. 421*]

Sacred Congregation of the Council's Resolution. - On January 16, 1915, the Sacred Congregation, in plenary sessions of the Eminent and Reverend Fathers of Rome and of the States, held in the Apostolic Palace at the Vatican, regarding the proposed question: "Whether and how the pastoral care of the parish of JV, in favor of the priest N. N., can be sustained in this case," decided to respond: "After a prior declaration of suitability, both of the priests A. A. and B. B., affirmative." Furthermore, concerning the aforementioned matters, a report was presented to His Most Holy Lordship, our Most Holy Father Benedict, Divine Providence, by the undersigned Secretary of the Sacred Congregation, on January 18 of the same month and year, and His Holiness approved the resolution of the Eminent Fathers. O. GIORGI, Secretary.

Sacred Congregation for the Propagation of the Faith. Decree: The Society for Foreign Missions, established at Maryknoll in the United States of America, is praised, and its constitutions are approved for a period of ten years.

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In order that the Catholic Faith may be more widely spread throughout the world, according to the divine mandate, and that the people of the United States of America, with their great intelligence, may contribute more effectively to this endeavor, a commendable plan, already in effect for some years in that region, with the approval of the Bishops, has been established: the Society for Foreign Missions, located at Maryknoll, was founded for the purpose of properly training young men called by the Lord to undertake sacred missions among foreign peoples.

Now, since, by the grace of Divine Providence, this Society has made joyful progress, and it appears that it will continue to make even greater progress in the future, with the help of the Catholics of that region, in order to firmly establish it with certain discipline and rules, certain statutes have been drafted by its founders, which, as was fitting, were submitted to this Sacred Congregation for the Propagation of the Faith for examination and approval.

Therefore, the Eminent Fathers of this Sacred Council, in general sessions held on May 17, 1915, having subjected the draft of these Constitutions to examination, declared that the aforementioned Society for Foreign Missions in America is worthy of special praise, and considered that the Constitutions presented, with some modifications, as shown in the attached copy, should be approved for a period of ten years for experimental purposes. This decision of the Sacred Congregation was communicated by the undersigned Secretary, in an audience on June 14 of the following year.

[*Latin ed. p. 422*]

The Acts of the Apostolic See – an official commentary – having been presented to His Holiness, Pope Benedict XV, His Holiness deigned to approve it, and at the same time, He ordered that the aforementioned Society be established under the immediate jurisdiction of this Holy Congregation for the Propagation of the Faith, and concerning all of these matters, He commanded that the present Decree be issued. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 15th of July, in the year 1915. Fr. H. M. CARD. GOTTI, Prefect. L. ffi S. C. Laurenti, Secretary.

SACRED CONGREGATION FOR RITES OF THE CITY AND THE WHOLE WORLD: DECREE CONCERNING THREE MISSES CELEBRATED ON THE SOLEMN COMMEMORATION OF ALL THE FAITHFUL DECEASED.

Our Most Holy Lord, Pope Benedict XV, through an Apostolic Constitution dated the 10th of this month, and having extended the privilege of celebrating three Masses on the solemn Commemoration of the deceased, which was granted by His predecessor, the blessed and revered Pope Benedict XIV, to the dioceses of Spain and Portugal, and having also extended to the entire Church, with paternal kindness, those three Masses which the

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same Pontiff prescribed to be read by each priest in those regions.

In order that these Masses may be known to all, the Sacred Congregation for Rites, by the mandate of Our Most Holy Lord, describes them in the present Decree:

The first Mass is that which is inscribed in the Roman Missal on the day of the Commemoration of all the faithful deceased.

The second Mass is found in the same Missal on the anniversary of the deceased, with the sequence *Dies irae* and the prayers, as follows:

PRAYER: O Lord, God of mercies: grant to the souls of Your servants and handmaids refreshment, blessed rest, and the light of Your glory. Through the Lord.

[*Latin ed. p. 423*]

The Most Holy Congregation of Bishops, 423. SECRET: "Lord, have mercy on our supplications for the souls of your servants, both men and women, for whom we shall offer the sacrifice of praise: that you may deign to associate them with the company of your saints." Through the Lord.

AFTER COMMUNION: "Grant, we beseech you, O Lord: that the souls of your servants, both men and women, cleansed by these sacrifices, may receive both mercy and eternal rest." Through the Lord.

Third Mass, which is read in the daily Masses with the sequence "Dies Irae" and the prayers, as follows:

PRAYER: "O God, giver of forgiveness and lover of human salvation, we beseech your clemency: that you may grant the souls of your servants, both men and women, who have passed from this world, through the intercession of blessed Mary, ever Virgin, and with all your saints, to attain to the fellowship of everlasting blessedness." Through the Lord.

SECRET: "O God, whose mercies are without number, receive mercifully the prayers of our humility: and grant to the souls of all the faithful departed, who have given confession of your name, through these sacraments of our salvation, complete remission of sins." Through the Lord.

AFTER COMMUNION: "Grant, we beseech you, Almighty and merciful God: that the souls of your servants, both men and women, for whom we have offered this sacrifice of your praise before your majesty, may, through the power of this sacrament, be cleansed from all sins, and, through your mercy, may receive everlasting light and blessedness." Through the Lord.

Observe the rest of the rubrics, as well as the particular rites of the respective Orders. Contrary things notwithstanding.

August 11, 1915.

A. CARD. VICO, S. R. G. Pro-Prefect.

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L. & S. Alexander Verde, Secretary.

[*Latin ed. p. 424*]

424 Acta Apostolicae Sedis - Official Commentary of the SACRED ROMAN ROTA OF MILAN. NULLITY OF MARRIAGE (AMBROSINI-SPINELLA AND GARIBALDI). Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 8th of April, 1915, the Most Reverend Fathers, Doctors William Sebastiani, Dean, Ponens, Seraphinus Many, and Franciscus Heiner, Auditors, in the case of Milan – Nullity of marriage, considering the appeal presented by the defender of the marriage bond of Milan against the sentence of the court of Milan, between Maria Ambrosini-Spinella and Julius Garibaldi, represented by their legitimate procurator, the Reverend Dominic Niti, a lawyer, and with the intervention and argument of the defender ex officio, rendered the following final sentence. Maria Ambrosini-Spinella, a native of Milan, thirty-four years of age, and shining with Christian virtues, through the efforts of certain women, among whom Elizabeth Buttafava, Alexandrina Plantanida, and Aloisia Garibaldi, was sought in marriage by Julius Garibaldi, a leader of the Italian cavalry. However, the family of Ambrosini was immediately informed by anonymous letters of the questionable past life of Julius. These women not only attempted to dispel the anonymous insinuations, but they were also able to influence the mind of Maria, who was somewhat reluctant, so that in October of 1907, the betrothal was celebrated with customary rites, and after four months, that is, on the 8th of February, 1908, the marriage was begun before the parish priest of the metropolitan church of Milan. For about a month, the couple undertook a pleasure trip, and then, returning to Milan to the bride's mother, they traveled here and there again. But with peace banished from the domestic sanctuary, in September of the same year, 1908, the couple bid each other farewell. After this, the spouses first requested and obtained a legal separation from the civil court of Milan, and then, by mutual agreement, having adopted Hungarian citizenship, through a sentence of the court of the city of Fiume, the civil bond was completely dissolved. After this, they addressed the diocesan court, so that the ecclesiastical marriage might also be declared null, under the head of "vis et metus," and on the 12th of August, 1914, a favorable sentence was issued. From this...

[*Latin ed. p. 425*]

On the 4th of May, 1825, the defender of the marriage, acting ex officio, brought the matter before the Holy Tribunal. And today, the case is presented for discussion under the usual formula of inquiry: Does a nullity of the marriage exist in this case? According to the law, all Doctors hold that, concerning matters done by force, the will is completely annulled, and consent is excluded; whereas, by fear, both the will and consent are

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diminished, sometimes more, sometimes less, according to the quality of the fear, which makes the will more or less inclined towards the proposed matter. However, these things are true when considered in terms of nature, for human laws have, in certain cases, equated acts elicited by fear with acts extorted by force, so that, just as an act extorted by force is invalid by law, so too an act elicited by fear ought to be declared null by the authority of the law. Among these acts is marriage, as stated in chapter 14, 15, and 28 of the book "De sponsalibus et matrimoniis." However, the fear must be grave, even if only relatively so, unjust, and directed towards extorting consent. This has been rightly extended by law to include reverential fear, that is, the fear of incurring the wrath of him in whose power we are, provided that something else is added, such as importunate and insistent prayers, quarrels, vexations, etc. Furthermore, the fear must be external, that is, it must proceed from a free cause, or from a man; "because if the grave fear comes from a natural cause, or from an internal cause, e.g., the fear of death, fire, or another serious loss of property, or of infamy, and, being struck by this fear, someone enters into marriage, it is valid according to the common and certain opinion of Sánchez, book IV, proposition 12, number 3. The reason is that then the person is not hindered by another person, but by himself, who voluntarily chooses marriage, without anyone urging him, to escape the danger of the body, fortune, reputation, or soul." Reifferistuel, in the title "De sponsalibus," number 326, states similarly. Pontius, in "De matrimonio," book IV, chapter 19, number 2; Schmalzgrueber, in the title "De sponsalibus," number 388; Rosset, in "De matrimonio," number 1292; Aichner, "Compendium iuris canonici," edition of 1905, number 168, and Santi, in the title "De sponsalibus," number 145, also hold similar views. Now, concerning the facts, and above all, the Fathers have noted that the case does not concern reverential fear. Although Julius Garibaldi stated: "I declare that the person who had the greatest influence on the mind of my wife, in order to determine her reluctant will to marry, was the lady, Carlotta Ambrosini," nevertheless, Mary never stated that she had experienced any coercion on the part of her mother; indeed, when appearing before the judge of first instance, she asserted that she had been urged to marry Julius by certain women, namely, Elizabeth Buttafava, Alexandrina Plantanida, and Aloisia Garibaldi. When asked:

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis - Official Commentary: "The witness was asked if there were any other persons, besides those she had indicated, who had exerted influence on her marital consent, and what that influence was," and she replied: "Besides the persons named, no one else had any influence over me." Father also declares: "Although I desired to see my daughter settled in a good marriage, I must say that I never put any pressure on her to marry the captain." This is confirmed by several witnesses; for example,

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Adelais Bartoletti testified: "As I have already stated, the Lady Ambrosini, her mother, was initially favorable, but then remained indifferent. Therefore, I exclude any pressure from the mother on the daughter's mind." And Lina Volpi: "I believe that the Lady Spinella did not exert any pressure of any kind on the daughter, neither in one sense nor in another." Likewise, the witness from Binda: "I believe that it is absolutely possible to exclude that either the mother or the brother exerted any influence or pressure." Likewise, among others, the witness Ambrosini: "I do not know at all that my mother frightened my sister." Therefore, the fear of reverence must be excluded, and the testimony must be limited to fear instilled by others. Indeed, it is true that it is left to the judge to render judgment both on the existence of fear and on the state of mind of the person to whom the fear was instilled; but it is not permitted for the judge, in rendering his judgment, to disregard the circumstances and details that are contained in the records. Hence, the Fathers a) wished to examine the principal circumstances of the marriage of Ambrosini and Garibaldi, and those that followed the marriage itself. Indeed, after examining the procedural records, it is clear that a) Mary was certainly timid and reserved, but not at all opposed to the marriage. Thus, Mary's mother: "I cannot say that my Mary was absolutely opposed to this marriage." And Lina Volpi: "She (Mary) did not speak to me of repulsion towards Captain Garibaldi, while she always expressed the doubt mentioned above. I always found the Lady Mary uncertain in the decision she was to make, to the point of suffering in health, uncertain both in character and in habits, and fearing that the groom's characteristics would not be suitable for her." The same witness, Plantanida, writes: "I had the conviction that Garibaldi inspired affection in you (Mary), but not esteem." Finally, the parish priest, Francis Balconi: "I cannot say that the Lady Ambrosini-Spinella Mary was opposed to the marriage; but it seems that, amidst all her doubts, she was even on the verge of breaking off the negotiations," and a little further on: "I do not remember that she ever expressed anything that put the marriage in doubt.

[*Latin ed. p. 427*]

In Romana, the matter of "her consent to the marriage" was discussed. Mary was hesitant and reserved, because she knew that she was not beautiful, nor was she of a youthful age, although she was endowed with considerable wealth. Therefore, she feared that they might wish to marry her for her substantial dowry: "At every opportunity for marriage proposals, she was 'always fearful that they would marry her for her dowry, and not for the 'person'," said Lina Volpi, and Aloisia Garibaldi: "She knew that she was 'not beautiful, and feared that she would not be interesting enough for my brother,' and she was therefore afraid that my brother would marry her out of self-interest."

b) Accounts report that these same women, who were presented as sup-

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porters or mediators of the marriage, urged her to refrain from entering into the marriage. Thus, Elizabeth Buttafava testified: "On this occasion, and on 'other occasions, I felt the need to repeat to them that, in the face of these 'disagreements and differences of taste, the best advice that I could give, and that I would also give to my own daughter, was to abandon everything." And Aloisia Garibaldi: "I never used harsh words with her; only once did I say: 'If you do not want to get married, then do not, 'because you are still in time.'"

To this was added the Reverend Balconi, who, having been consulted by Mary regarding the betrothed's past life, confessed that it was not entirely commendable, concluding: "For my part, as a parish priest and as a friend, 'I advised her to break off the negotiations.'"

However, Mary disregarded all these exhortations and advice. Indeed, the pre-nuptial relations, which had been interrupted by the man, Mary, were resumed with her mother. This is what the betrothed recounts: "It 'seems to me that in April 1907, I made the official request to Mrs. Carlotta Ambrosini for the hand of her daughter, and she, kindly accepting my request, replied that she would speak to her 'daughter, and would then give me an answer. At the end of May, having received no answer, despite my repeated solicitations, I officially withdrew my proposal, and left Milan, 'returning to the villa "Capo di Strada" near Pistoia, where my parents were. Then began the letters from the daughter, which she wrote on behalf of her mother, as was the custom of the house, 'addressed to my sister, in order to make me retract from my refusal and resume the negotiations. And little by little, the negotiations with the 'mother were resumed.'"

c) In the contract initiated before a notary, both in the civil marriage and in the religious marriage, everything proceeded properly and in the usual manner. The parish priest Balconi testifies: "Yes, I remember very well that on February 8, 1908, I 'blessed the marriage of the aforementioned Mr. Garibaldi and Maria Ambro-"

[*Latin ed. p. 428*]

Acts of the Apostolic See - Official Commentary: "I do not recall that on that occasion I had the slightest doubt about the affirmation of consent from both parties; nor do I recall any other circumstances that would have created in me the doubt of a lack of consent." Thus also Theresia Cattaneo, mother of Maria, who witnessed the marriage: "In the town hall and at the church, she gave her consent regularly, and I heard her clearly say 'yes'." Regarding the marriage, Maria Lina Volpi was asked, "If she was happy, without expressing anything; she responded with a gesture of resignation." Thus also Adelais Bertolètti: "After the marriage, I did not see her again, except upon her return from the honeymoon. She came to greet me, and when I asked her if she was happy and content, she responded with a cold affirmation." Furthermore, it is not the case that the conjugal union was dis-

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solved after six months from the beginning of the marriage. Indeed, Maria states: "I felt the obligation to fulfill my duty once I had married him, and if there had not been the subsequent difficulties, I would have remained with him, accepting my fate." What these vicissitudes (difficulties) were, she explains below: "As soon as (she says) I found myself alone with my husband, on our honeymoon, I immediately realized that I had to deal with a strange and domineering man. Without any reason whatsoever, he had inexplicable outbursts, shouting and repeating that our characters were not compatible; that I should go to my home, and he to his, and similar things. Often he threatened to jump out the window." And further: "Certainly, I could not have had esteem for a man of such character, and even less so after having discovered the various deceptions with which he had misled me; among other things, I realized that he was not at all in love with me, as he had made me believe. He had deceived me about the apartment, in which he had said he had his own furniture, but it was only rented, and then the deception of the earrings, which were supposed to be sent to me, but which never arrived; the deception of the maid, whom I was supposed to have, but whom I never had, and for whom there was not even a place in the house, etc." Therefore, the true causes of the separation were, namely, the husband's extremely unpleasant character, which was only revealed to Maria after the marriage, and the various deceptions that he perpetrated, which are more than sufficient to make a woman indignant. All of these things, when recounted, completely exclude a lack of consent on the part of Maria, and at the very least, cast doubt on the asserted fear. However, even admitting that Maria entered into the marriage under the influence of fear, it must be considered, according to the Holy Fathers, whether fear bears those qualities that are required by law for the marriage to be null.

[*Latin ed. p. 429*]

The Roman Rota has established beyond doubt that Elizabeth Buttafava, Alexandrina Plantanida, and Aloisia Garibaldi, who were matchmakers, never threatened Mary of Mineo, either directly or indirectly. It is also certain that these women, in addition to giving advice and encouragement, which was indeed constant, also foretold evils and dangers, which they said Mary would incur by refusing the marriage. What these evils were, the bride herself explains: "I understood that I would have to have the strength to 'cut everything off,' but the thought of being talked about, and the feeling that 'they were constantly telling me (the ladies Plantanida and Garibaldi, the sister of the groom) to be careful about what I did, and that by withdrawing, 'I would cause the whole of Milan to talk about it, and that I would also ruin 'that poor man, because, having been thwarted, he would have to abandon his business, and leave Milan, and finally, I would cooperate 'in causing his elderly parents to die of sorrow.'"

However, first, these evils or dangers were not presented by someone to

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whom respect or obedience is due, but by outsiders. Secondly, whether these evils would occur or not did not depend on the will of the aforementioned women; therefore, on their part, they were not truly threats, but merely propositions or conjectures, and indeed, not very probable and very uncertain.

Furthermore, with regard to the adverse reputation, it should be noted that the Ambrosini family actively contributed to the public dissemination of the engagement. As Julius Garibaldi recounts: "Mrs. Ambrosini, by asking questions of this person and that, was revealing to all of Milan that her daughter was about to get married."

Then, it is a serious assertion to claim that an adverse reputation would follow someone simply because they break off a marriage, when this happens everywhere and frequently. Moreover, neither did Father Balconi give Mary advice to say goodbye to Julius, nor did Aloisia Garibaldi, who certainly did not want to damage the reputation of her brother, tell Mary: "If you don't want to get married, just leave it, you are still in time."

Regarding the probable death of the groom's parents, it is certain that fear can have force not only when evils are threatened against the person who is filled with fear, but also against their loved ones, namely parents, brothers, and sisters, but not against outsiders. However, the groom's parents were not connected to Mary, either by blood or by friendship.

Furthermore, it is established that the groom's mother was completely outside of the marriage; she stated: "I must say that I know very little about the way in which the marriage was arranged... My son was of age, and he knew very well how to manage his affairs; in this matter, I found myself completely uninvolved."

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis - Official Commentary. This reasoning also applies to the grave detriment suffered by the betrothed, and to his suicide. However, in this matter, it must be noted that the betrothed never stated that he would incur, through the marriage, a certain detriment, nor that he would inflict death upon himself if he had not contracted marriage with Mary. Furthermore, although Julius greatly desired to marry Mary, he was not so driven by a burning and blinding love for her that he would have acted otherwise; otherwise, he would not have dared to break off the negotiations for marriage twice. Finally, concerning the suicide, the records indicate that after the separation between Julius and Mary, Mr. Plantanida said to Mary that Julius would bring about his own death unless he restored their marital life. However, this did not frighten Mary's mind, who went to the civil courts and obtained a legal separation from them. From these facts, it is clearly evident that the evils that threatened Mary were not such as to cause her a grave fear. But the fear was not only not grave, but also not external, i.e., proceeding from a free cause. Indeed,

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Mary was never questioned about any fear that she experienced, but about her own opinion, or her own feelings: "the thought of having me spoken about," "the feeling that I was constantly told by the ladies," etc. Therefore, if there was any fear, or any mental trepidation, it was internal, that is, from Mary's own fantasy, or from her own passions and scruples. Therefore, Elisabeth Buttata rightly says: "She went forward by force of 'things and social conventions'." And Maria Brera says: "She went forward 'as if by fate'." Internal fear, although grave, as we have said above, never invalidates a marriage. Hence, "although, as rightly noted by the 'Reverend Defender of the Bond,' a sentence of nullity would have been given in the unfortunate case of an external impediment to marriage, to the extent that, not only were doubts dispelled, but the evils to be avoided for the woman were indicated, or, according to the judge (of Milan), the woman's will to marry was influenced, while, however, the execution of the marriage was not dependent on her will, the pretended fear is not conceived according to the norms of law." Having considered and diligently pondered all of these things, We, the undersigned Auditors, invoking the name of Christ, sitting for the tribunal, and having only God before our eyes, decide, declare, and pronounce the following judgment: It does not appear that there is a nullity in the marriage in the case, or we respond to the proposed doubt: Negatively. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains to enforce this our definitive sentence, and to proceed against those who resist according to the norms of the sacred canons, and especially chapter 3, session XXV, concerning reform, of the Council.

[*Latin ed. p. 431*]

The Roman Rota, in its session of 431 [from] Trent, having employed the executive and coercive means which appeared more efficacious and suitable for the circumstances, at Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 8th of April, 1915. William Sebastiani, Dean, Presiding. L. j$i S. Seraphinus Many. Franciscus Heiner. From the Chancery of the Holy Roman Rota, Sac. T. Tani, Notary.

SECRETARY OF STATE – NOTICE FROM THE HOLY SEE

His Holiness, Our Lord Pope Benedict XV, referring to the dispositions issued by his Venerable Predecessor and published in the Acta Apostolicae Sedis on January 25, 1913, concerning the annual funeral of the preceding Pontiff, and the equally annual ceremony of the Pontifical Coronation, has decreed that the funeral of the Supreme Pontiff Pius X, of blessed memory, instead of taking place on August 20th, the anniversary of his death, shall occur, as was previously practiced for the Supreme Pontiff Leo XIII, on November 5th. His Holiness has also deigned to order that the anniversary

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ceremony of his Pontifical Coronation, instead of taking place on September 6th, shall occur on December 22nd, the anniversary of his Episcopal Consecration, received at the hands of the Supreme Pontiff Pius X, the day after the anniversary of his priestly ordination. The choice of the aforementioned date of December 22nd is due to the same criterion followed in the case of November 16th for the identical ceremony during the pontificate of Pius X, of blessed memory, for which, on that very day, the anniversary of his Episcopal Consecration occurred.

[*Latin ed. p. 432*]

From the Acts of the Apostolic See – Official Commentary:

BY BRIEF OF THE HOLY FATHER, the Most Holy Father has deigned to appoint:

Apostolic Protonotaries, with the right to participate:

July 31, 1915. – Mons. Ernesto Costa de Beauregard, canon of the metropolitan cathedral of Chambéry.

August 5. – Mons. Francesco Pelletier, rector of the University of Laval in Quebec.

Domestic Prelates of His Holiness:

July 29, 1915. – Mons. Vincenzo Saponieri, vicar general of the diocese of Alghero.

– Mons. Giuseppe Giau, archpriest of the cathedral of Alghero.

August 4. – Mons. Gustavo Desarnaud, of the archdiocese of Naples.

HONORS:

BY BRIEF OF THE HOLY FATHER, the Most Holy Father has deigned to bestow:

The Order of Saint Gregory the Great, civil class:

July 29, 1915. – Upon Mr. Ercole Bonfiglioli, of the archdiocese of Ferrara.

NECROLOGY:

July 10, 1915. – Mons. Giacomo Eduardo Quigley, Archbishop of Chicago.

August 3. – Mons. Andrea Bovet, Bishop of Lausanne and Geneva.

August 8. – Mons. Giovanni Battista Castro, Archbishop of Caracas (Saint James of Venezuela).

[*Latin ed. p. 433*]

Annus TU - Vol. VII, September 4, 1915, No. 15. OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. LETTERS TO THE REVEREND FATHER ANDREW FRLHWIRTH, ARCHBISHOP OF HERAGLIENSE, APOSTOLIC NUNTIO IN BAVARIA, TO CONGRATULATE HIM ON REACHING HIS SEVENTIETH YEAR, AND TO WISH HIM ALL BLESSINGS.

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Venerable Brother. – Having learned, by happy chance, that you will felicitously complete your seventieth year on August 21st, I am eager not to let this auspicious occasion pass without expressing to you the sentiments of joy that you inspire in my heart. The numerous services you have rendered to the Church, both when you prudently and skillfully held the high office of Master General of the illustrious Dominican Order, and in the various years since you have worthily and laudably governed this Apostolic Nunciature, provide a just reason to thank God for this rich harvest of merits, and also constitute for Us a pleasing reason to declare ourselves fully satisfied with your work. At the same time, We believe We would be acting contrary to the impulse of our heart if We did not express to you, in this opportune circumstance, the gratitude We feel for you, and the remembrance We faithfully hold of the valuable assistance you have always provided to the ministry of the Roman Pontiff.

ACTS, Vol. VII, No. 15. – 4-9-1915. 30.

[*Latin ed. p. 434*]

434 Acta Apostolicae Sedis - Official Commentary. In accordance with these sentiments, We express the most fervent wishes for your personal prosperity, and We earnestly implore the Lord that He may preserve you for a very long time for the good of the Religion and for the benefit of the Holy See; and that He may maintain your always youthful vigor in the arduous circumstances of the important mission which you undertake. And as a testament of Our particular benevolence, We impart to you, with all Our heart, the apostolic blessing, to fulfill Our wishes and as a pledge of the best graces of Heaven. From the Vatican, August 10, 1915. BENEDICT XV.

TO THE BISHOPS OF HELVETIA, ON THE OCCASION OF THE ANNUAL CONVENE. Venerable Brothers, greetings and the apostolic blessing.

— By the most devoted letters which you recently sent to Us, We are, indeed, drawn back to those matters from which We can scarcely, even briefly, detach Our mind. For We are saddened with those who are saddened, and We are burdened by their cause, and We are weary with labors, and We spend days and nights in anxious concern. Whatever charity suggests, and whatever is brought forth day by day to restore peace and to lessen the inconveniences of war, We undertake, as you well know, with the greatest confidence in Him who always helps good endeavors.

Not once, Venerable Brothers, nor indeed unwillingly, have We turned Our mind to the people of Helvetia amidst so much clamor of arms, and We feel and understand completely with you how much the Helvetians owe, first to the divine benevolence, and then to the prudence of their magistrates, for the benefits of preserved peace. And We are pleased to see, with great joy, that you regard the leaders of your Republic with in-

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telligence, and that We, your colleagues in labor, greatly desire that this association may grow stronger and stronger each day; We recognize how much the plans and undertakings of Our paternal providence are esteemed among you and among your citizens, and how much in honor is the study of humanity; and We are pleased to declare that your joy is Our joy: your wishes, Our wishes.

Meanwhile, We perceive that your mind is full of obedience to Us and to those excellent men who preside over your cities, and We commend you for it.

[*Latin ed. p. 435*]

The Most Holy Congregation of the Holy Office, 435, to all, venerable Brothers, to the clergy and to the people, impart to each of you the apostolic blessing, the heavenly benefits of which we earnestly bestow in the Lord. Given in Rome, near St. Peter, on the seventeenth day of August, in the year 1915, in the first year of Our Pontificate. BENEDICT XV, PP.

THE MOST HOLY SACRED CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES)

I. DECREE:

FACULTY GRANTED TO PRIESTS TO BLESS THE MEDALLIONS OF ST. BENEDICT FOR THOSE SERVING IN THE MILITARY.

August 5, 1915.

Our Most Holy Lord, Pope Benedict XV, having heard the Most Reverend Father, the Assessor of the Holy Office, and having listened to the earnest supplications of the Most Reverend Abbot Primate of the Order of St. Benedict, has deigned benignly to grant that all priests, whether secular or regular, who, during the present war, minister to soldiers in the field, or in military hospitals, or on ships, may, with a single sign of the cross, bless the Medallions of St. Benedict, and may apply to them all the Indulgences that have hitherto been granted by the Holy See for such Medallions. Notwithstanding anything to the contrary.

R. CARD. MERRY DEL VAL, Secretary.

f Donatus, Archbishop of Ephesus, Assessor of the Holy Office.

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis - Official Commentary II

DECREE: INDULGENCES GRANTED TO THOSE WHO RECITING CERTAIN PRAYERS FOR PEACE.

On August 5, 1915.

His Most Holy Name be praised. Our Most Holy Father Benedict, of divine providence, Pope XV, in an audience granted to the Most Reverend Fa-

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ther, Assistant of the Holy Office, has, with paternal benevolence, granted to all and each of the Christian faithful, who, with at least a contrite heart, recite the most pious prayer, venerable through its great antiquity, preserved in the Canon of the Mass, with the following added invocations:

"Liberate us, we beseech You, O Lord, from all evils, past, present, and future; and through the intercession of the blessed and glorious Virgin Mary, ever Virgin, Mother of God, together with the blessed Apostles Peter and Paul, and Andrew, and all the Saints, grant mercifully peace in our days, so that, helped by the power of Your mercy, we may always be freed from sin, and secure from all disturbance. Through our Lord Jesus Christ. Amen. - May the peace of the Lord be always with us. - Lamb of God, who takes away the sins of the world, grant us peace," or with any other language, provided that the translation is faithful, that an Indulgence of three hundred days, also beneficial to the souls of the departed, may be granted to them each time they recite it.

Furthermore, to those who are accustomed to recite these same prayers throughout the month, a plenary Indulgence, also applicable to the souls of the departed, has been graciously granted once within that same month, provided that they have confessed their sins and received Holy Communion, and have prayed piously according to the mind of the Supreme Pontiff.

This decree is valid for the present and for all time to come, without any time limit. Notwithstanding any contrary provisions.

R. CARD. MERRY DEL VAL, Secretary.

L. ffc S. Aloysius Giambene, Substitute for Indulgences.

[*Latin ed. p. 437*]

SACRED CONGREGATION OF THE HOLY OFFICE

DECREE OF EXCOMMUNICATION AGAINST THE ARCHDIOCESE AND THE PRIEST OF WESTMINSTER, RICHARD O'HALLORAN.

The due reason of canonical discipline demands that those who gravely offend the ecclesiastical laws be corrected, and if they scorn milder warnings and sanctions, they must be compelled by more severe penalties. Therefore, since the priest Richard O'Halloran, of the diocese of Middlesbrough, came to the diocese of Westminster in the year 1888, and obtained permission for a time to exercise the sacred ministry in the place of Ealing; but, having been dismissed and compelled to leave the diocese of Westminster, because he obstinately refused to obey, he was, on April 21, 1897, suspended by the Ordinary of Westminster from the administration of the sacraments. But he, despising the censure, has not ceased to celebrate the Holy Mass sacrilegiously and to rashly exercise parochial duties among a few who have attached themselves to him,

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causing great offense to the faithful, and creating a small schism, which is called the "Ealing schism." Warnings, exhortations, pious counsel from religious men, from the Ordinary of Westminster, and even from the Holy Apostolic See, repeatedly given to bring him to a sound mind, have always been in vain. Therefore, since the priest O'Halloran has persevered in the scandal of schism and sacrilege, and, moreover, suspected of heresy due to his obstinacy in the face of censures, in order to break down such stubbornness of spirit and to repair the great scandal of this rebellion and profanation of the sacred things, on June 5, 1915, at the request of the Reverend Fathers of the Sacred Congregation of the Holy Office, and by order of His Most Holy Father Benedict XV, a peremptory term of ten days was imposed upon the aforementioned priest to obey, with the express threat of excommunication being inflicted upon him if he should still persist in his contumacy. But the imposed term has passed, and the unhappy priest has given no sign of repentance. Therefore, by the present decree of the Holy Office, and by order of His Most Holy Father, although with sorrow, yet for the salutary correction of the aforementioned priest, for the protection of ecclesiastical discipline, and for the reparation of the scandal, the priest Richard O'Halloran is hereby excluded from the communion of the Church.

[*Latin ed. p. 438*]

438 Acta Apostolicae Sedis - The official commentary is separated and distinguished, and it is declared and established that the same [person] has incurred the penalty of excommunication, and that he must be avoided by all the faithful according to ecclesiastical laws. Given at Rome, from the offices of the Sacred Congregation of the Consistory, on the 14th of July, 1915. Signed: His Eminence Cardinal DB LAI, Bishop of Sabina, Secretary. Also signed: Thomas Boggiani, Archbishop of Edessa, Assessor.

II. PROVISIONS FOR CHURCHES

By successive decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Benedict XV has provided for the following churches with their own pastors, namely:

June 4, 1915. — To the cathedral church of Cesena, he appointed the Reverend Fabius Berdini, the general vicar of the diocese of Imola.

June 7. — To the cathedral church of Bova, he appointed the Reverend Paulum Albera, the rector of the metropolitan seminary of Reggio.

June 17. — To the titular archiepiscopal church of Seleucia in Isauria, he appointed the Reverend Thomas Kennedy, who had previously been the titular bishop of Adrianople.

July 1. — To the cathedral church of Alatria, he appointed the Reverend Michael Izzi, the general vicar of the diocese of Cerignola.

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August 5. — To the cathedral church of Mutilara, he appointed the Reverend Rogerium Bovelli, the general vicar of the diocese of Tuderte.

August 6 — To the cathedral church of Burgos S. Donnini, he appointed the Reverend Joseph Fabbrucci, the parish priest of the place of Strada in the diocese of Fiesole.

August 9. — To the cathedral churches of Down and Connor, he appointed the Reverend Joseph Mae Rory, the vice-president and professor of Holy Scripture at the Maynooth College.

August 12. — To the titular archiepiscopal church of Irenopolis in Isauria, he appointed the Reverend Joseph Ridolfi, who had previously been the Archbishop of Hydrus.

August 19. — To the cathedral church of Linz, he appointed the Reverend Ioannem Gfoellner, a master of pastoral theology at the Linz seminary.

August 20. — To the titular episcopal church of Troas, he appointed the Reverend Pacificum Monza, who had previously been the general minister of the Order of the Friars Minor and is now the apostolic vicar of Skopje.

[*Latin ed. p. 439*]

The Holy Congregation of Religious Orders, Vicenza, concerning the right of visitation. The religious family of the Order of Servants of the Most Blessed Virgin, established in the fifteenth century, which possessed full canonical rights in the Monastery and the annexed Church of Saint Mary of Mount Berico, in the diocese of Vicenza, was unjustly suppressed and dissolved by secular authority in the year 1810. However, the aforementioned municipality of Vicenza acquired the aforementioned Monastery and annexed Church, so that they would not be added to the treasury; and in the year 1833, it granted the aforementioned religious order perpetual use of the Monastery and Church, which religious men duly took possession of on December 8, 1835. When, in the year 1864, the Bishop of Vicenza, in carrying out a canonical visitation of regular churches, considered that he had the right to visit even the Church of Saint Mary of Mount Berico, which, on the other hand, the Fathers of the Servite Order denied, the matter was brought before the Holy Congregation of Bishops and Regular Canons, which, after hearing the arguments presented by both sides, in a plenary session on March 26, 1866, responded to the question: "Whether and how one should respond to the letters of the Most Reverend Bishop of Vicenza, and especially concerning the Sanctuary of Mount Berico," stating: "As has been explained, it does not appear that the Bishop has a legal right to carry out the sacred visitation." However, despite this response, the Reverend Bishop Ferdinand Ridolfi, who is currently in charge of the diocese of Vicenza, considered that there were very serious reasons which demonstrated the Bishop's right to carry out the sacred visitation in the Church of Saint Mary of Mount Berico, and therefore, he suggested a re-

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consideration of the decision. Having obtained from the Most Holy Pope Pius X, of blessed memory, the benefit of a new hearing, he presented arguments concerning the matter which were submitted to the judgment of the Most Reverend Fathers Cardinals of the Holy Congregation of Religious Orders in a plenary session on July 30, 1915. And with the following doubts: 1) Whether the Bishop of Vicenza, considering the newly presented arguments, has the right to carry out a canonical visitation in the Church of the Most Blessed Virgin of Mount Berico; and to the extent that the answer is negative.

[*Latin ed. p. 440*]

440 Acta Apostolicae Sedis - Official Commentary

2) Whether it is fitting for the Fathers of the Servite Order to offer to the Bishop of Vicenza some alms from those which are offered to the Sanctuary, to which the Fathers replied: To the first question: No, and moreover. To the second: Provided for in the first. This opinion, of the aforementioned Fathers, was approved and confirmed by Our Most Holy Lord Pope Benedict XV, through divine providence, in an audience on August 3, 1915, as reported by the undersigned Secretary, and it was ordered to be made public. From the Secretariat of the Holy Congregation for Religious Orders, August 3, 1915. O. CARD. CAGIANO DB AZEVEDO, Prefect. L.)S. f Adulphus, Bishop of Ganopitan, Secretary.

HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH

DECREE CONCERNING THE CHANGE OF NAME OF THE APOSTOLIC VICARIATE

At the request of the Reverend Father Adulphus Rayssac, titular Bishop of Coty and Apostolic Vicar of Tchao-tchiou in *Sinis*, the aforementioned Fathers of the Holy Congregation for the Propagation of the Faith, in plenary sessions held on August 2, considered that the aforementioned Apostolic Vicariate should henceforth be called after the city of "Swatow," the principal city of the region. This opinion was reported to Our Most Holy Lord Pope Benedict, through divine providence, XV, by the undersigned Secretary of the same Holy Congregation, in an audience on August 9, following.

[*Latin ed. p. 441*]

The Holy Congregation of Rites, having deemed it worthy to approve and validate, has ordered the present decree to be drawn up. • Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 18th of August, in the year 1915. Fr. H. M. CARD. GOTTI, Prefect. L.©S. C. Laurenti, Secretary. THE HOLY ROMAN CONGREGA-

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TION OF RITES CONCERNING THE OCTAVE OF THE FEAST OF THE HOLY APOSTLES PETER AND PAUL. Whereas, by the decree of the Holy Congregation of Rites, number 3581, for the City and the World, of July 5, 1883, and by other more recent decrees of Rome, of December 10, 1913, and May 22, 1914, concerning the Feast of the Holy Apostles Peter and Paul, on June 29th, in Rome, not only is the commemoration to be held on each of the octave days, whatever feast may occur, but the octave itself is to be observed as a privileged time for the third order; and whereas, such a privilege has been understood by some to be restricted to the secular clergy and others who legitimately use the diocesan calendar, the aforementioned Holy Congregation, having considered the matters presented and, in particular, that Rome has been "nobly elevated by the 'Most Blessed Princes of the Apostles' above all the nations of the world," and that it is "the supreme center and the unshakeable teacher of truth," as it is written in the aforementioned decree, number 3581, and yielding to the wishes and prayers offered, has decided to write: "In the case of the octave, it is to be extended to all those from both the clergy of Rome and its district, if it should please the Most Holy [Father]." The following was subsequently brought to the attention of the Most Holy Lord, our Pope Benedict XV, by the undersigned Cardinal of the Holy Congregation of Rites.

[*Latin ed. p. 442*]

Acts of the Apostolic See - Official Commentary. The Most Holy Father approved and confirmed the aforementioned decree of the Sacred Congregation; and, simultaneously, on the Octave of the Feast, June 29th, of the glorious Apostles Peter and Paul, patrons of the esteemed City, for the entire clergy residing in this City and its district, both secular and regular, even those with their own calendar, He established and declared a privileged status for the Third Order. Notwithstanding any objections whatsoever, even those deserving of special mention. August 11, 1915. A. CARD. VICO, S. B. C. Pro-Prefect. L. © S. Alexander Verde, Secretary. SACRED ROMAN ROTA OF PARIS. NULLITY OF MARRIAGE (GOGUEL-GRAVIER). Under the blessed reign of Pope Benedict XV, in the first year of His Pontificate, on April 17, 1915, the Most Reverend Fathers, Frederick Cattani, presiding, Anthony Perathoner, and Joseph Alberti, Auditors from Tournon, in the Parisian case concerning the Nullity of Marriage, with the defender of the bond, the diocese of Paris, present in defense of the appeal, between Michaela Goguel, the actress, represented by her legitimate attorneys, Mr. Nazarenus Ferrata and Mr. Vincent Sacconi, and between the defendant, Charles Gravier, who intervened and disputed in the cause, with the defender of the sacred bond present ex officio before this Holy Tribunal, rendered the following final judgment: In the year 1907, Michaela Maria Andrea Goguel, who was approximately sixteen years of age, and Charles Aemilius Gustavus Gravier, who was then 24 years of age, met each other

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in Lutetiae, Paris, and inflamed each other with mutual love; and in the following month of September of that year, they celebrated their betrothal, with the consent of their parents. But afterwards, Charles, who was a...

[*Latin ed. p. 443*]

Saint Humana Bota 443 was compelled to leave Paris and resided in England until December of the year 1909; at which time he returned, in order to enter into marriage with Michaela. However, this young woman, frivolous and inconstant, at that time had withdrawn from her affection for Charles, and having not desired to celebrate marriage with him, she requested to be released from the bond of engagement. Charles, who still burned with love, remained, but Michaela told him that she would not marry him unless he agreed that, whenever she wished, she could dissolve the marriage, a condition which she explicitly stated on the day that Charles presented her with the betrothal gifts. Charles hesitated as to whether to accept the condition, but then, because everything was prepared for the wedding and his parents were present, and because he still loved Michaela very strongly and hoped that she would change her mind, he agreed to the condition imposed by her, and thus the marriage was celebrated on the eighth day of December in the year 1909, in the town of Passy. Three months after the marriage, Michaela began to consider fulfilling the condition she had proposed; but Charles made no effort to retain his wife, and thus the marital relationship was not disrupted; but, barely a year after the marriage was celebrated, Michaela left her husband's home, in order to indulge in other affections, and she requested a divorce; to which request Charles, since married life had become impossible, finally agreed. In the year 1913, after Michaela had received the condition that she had imposed, which was contrary to the indissolubility of marriage, and which she claimed had no effect, she appealed to the Tribunal of Paris, in order that her marriage to Charles might be declared null and void, and she obtained this. However, the Defender of the Sacred Bond of the Tribunal of Paris appealed against the judgment of the Tribunal of Paris, which had declared that there was no marriage between Michaela and Charles Gravier, and now the matter comes before Us to be decided, under the proposed question: Whether there exists a nullity in the marriage in this case? As far as the facts are concerned: - Whether there truly existed a pact of divorce between the betrothed, or whether the condition imposed by Michaela, that she should be allowed to dissolve the marriage whenever she wished, as is asserted, is to be investigated by Us; for from this fact depends the answer to be given to the proposed question. Both betrothed assert that this condition existed before the marriage, although their testimonies do not appear to be entirely consistent. Michaela recounts the matter to the judge as follows: "During our engagement, Mr. Gravier had to leave for England. Upon his return, I felt that I no longer loved him, and I clearly asked him to release me from

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our engagement. Since he did not want to, I then declared that I was making as a condition of my future marriage the possibility for me to divorce." Then: "...on the very day that Mr. Gravier gave me my engagement ring, I told him..."

[*Latin ed. p. 444*]

444 Acta Apostolicae Sedis - Commentarium Officiale "She posed the condition for divorce. I said to her: "I accept this ring, "but you must promise me that you will not oppose "me on the day when I request a divorce." " My thought was clear: I no longer loved Mr. Gravier, and I was reserving the right to divorce "when it pleased me. I made this condition the indispensable condition for the acceptance of my engagement ring and my future marriage. I repeatedly told Mr. Gravier, on several occasions, that "I reserved the right to divorce when it pleased me. Only under this condition did "I accept the marriage. I said this to Mr. Gravier, and I even wrote it. I repeat: I had a firm intention of divorcing." Then the judge asks her: "What did your fiancé say when you informed him of "this condition? Did he eventually accept it?" To which she replied: "Before formally informing my fiancé of the condition to which he must submit in order to hope for marriage with me, I had already made it clear to him, through multiple insinuations, my settled intention of divorcing later. It is obvious that when I asked Mr. Gravier whether, yes or no, he consented to the condition that "I was setting for our marriage, he was, I would not say surprised, but very distressed. He used all means to dissuade me. Finally, knowing my perseverance in my plans, and because he was very "in love with me, he gave me his word that he would not oppose "a request for divorce from me. It is obvious that "Mr. Gravier must have said to himself that, after the marriage, when we were both in England, he would have more influence "over me, and that, little by little, he would make me forget the condition that "I was setting for our marriage. Whatever the case, Mr. Gravier certainly accepted the condition that "I was setting for our marriage. It was not only the possibility of a divorce that could later break "our marriage, but it was the certainty of a request for divorce "that would, later, on the day when it pleased me, put an end to our "marriage. The condition was set, it was accepted." Not long after, Charles Gustavus Gravier recounted to the judge who was questioning him: "From the beginning of our engagement, Miss Goguel, "speaking of marriage with me, had the opportunity to reveal her mindset on this subject. She did not have the same concept as I did about "Christian marriage, she did not accept all its responsibilities and "its indissolubility. And going from theory to personal application, she was making "it applicable to our future marriage. Since her theories were not "mine, it is needless to say that I did not fully agree with her "words, and that I even tried to refute them. I

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knew Miss Goguel.

[*Latin ed. p. 445*]

£. Montana Bota 445: ”Elle était malade, inflexible dans ses idées, et je ne croyais pas qu’une résistance de ma part pourrait aboutir à un résultat efficace. C’est au mois d’octobre 1909, à Newcastle, à l’occasion d’une visite faite par Mme et Mlle Goguel pour m’aider à choisir un appartement et régler quelques conditions relatives au prochain mariage, que Mlle Goguel me posa comme une condition de notre futur mariage la condition du divorce qu’elle se réservait de demander, et auquel je ne devais pas m’opposer. Ma réponse ne fut pas ce qu’elle aurait désiré peut-être, elle fut dubitative et dilatoire. Je ne voulais certainement pas à ce moment-là faire ce qu’elle demandait. Fin novembre, commencement de décembre 1909, je vins à Paris pour le mariage, et Mlle Goguel me posa alors nettement la condition. Elle-même avait subi une évolution. À Newcastle, sans nul doute, la condition fut posée par elle, mais je crois qu’alors ce n’était pas une condition *sine qua non*; au contraire, en décembre 1909, les sentiments de Mlle Goguel s’étaient tellement modifiés qu’elle était plus qu’hésitante à accepter le mariage, et elle fit de la condition du divorce posée par elle et acceptée par moi, une condition *sine qua non*. Les choses avaient tellement été loin à ce moment, mes parents étaient venus de province, les achats étaient faits, je me suis posé la question: Le scandale serait-il moindre de rompre tout de suite, ou bien d’attendre une rupture qui devait être amenée par un divorce qui deviendrait problématique. Je me résolus au mariage, persuadé qu’il serait courageux à moi de conquérir cette femme que j’avais aimée et qui m’avait aimé, qui n’avait que dix-huit ans, et avec qui j’avais d’ailleurs beaucoup de points de contact, que me permettaient raisonnablement une union durable. À la question que me pose Mr le défenseur du lien: ”La condition ne se posait-elle pour Mlle Goguel que dans l’hypothèse d’un dissentiment profond et durable?”, je réponds: Il n’y avait pas d’hypothèse de dissentiment futur; il y avait, quoi qu’il arrive, la certitude d’un divorce. Seule la date restait incertaine. Je répète: nous étions dans une impasse, on n’en pouvait sortir que par le mariage. Le mariage n’a été accepté qu’avec la condition *sine qua non*, posée par Mlle Goguel.”

Hoc est testimonium coniugum: at eorum assertio, etsi circa rerum adiuncta plene concordaret, probationem tamen minime constitueret, nisi plene confirmaretur a duobus saltem testibus omni exceptione maioribus. Michaela autem in iudicium sex adducit testes, nempe matrem, fratremque suum, duas mulieres, quibus amicitia est coniuncta, Aemilium Ollivier; eiusque filium Milonem. Quatuor ex his iam ante matri-

(This is the testimony of the spouses: but their assertion, even if it were fully in agreement concerning the facts, would not constitute proof, unless it were fully confirmed by at least two witnesses, free from all exceptions.

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However, Michaela brings forward six witnesses to the court, namely her mother, her brother, two women with whom she is connected by friendship, Aemilius Ollivier, and his son Milon. Four of these were already before the matri-)

[*Latin ed. p. 446*]

446. The Acts of the Apostolic See – Official Commentary concerning the conditions stipulated by Charles and Michael concerning the possibility of divorce, should it please them, which they had received from her. However, Michael's mother only learned of the condition imposed by her daughter after the marriage. The individual testimonies are heard; and first, Michael's mother: "My daughter," she said, "had a rather light and flighty mind, without much seriousness, and I must say that I did not attach much importance to her words. This explains why I was not surprised when, about three months before the marriage, she told me that she wanted to divorce from her future husband. I made maternal remonstrances to her, urging her not to marry if her fiancé no longer pleased her; and I recall that in response, she always told me that there was divorce to dissolve unhappy marriages; but I must truthfully say that I did not know at that time that my daughter had stipulated subsequent divorce as an absolute condition of her union with Mr. Gravier. It was in November 1912 that I first learned of this essential condition imposed by my daughter as a condition of her consent to the marriage with Mr. Gravier." When the judge asked her: "Do you know what reception Mr. Gravier gave to this requirement? Did he resign himself to it?", she replied: "Mr. Gravier had resigned himself to accepting the condition imposed by my daughter, but he certainly hoped to completely win her back." Charles Leo Rogerius Goguel, the actress's brother, testified as follows: "In October and November 1909, as I perceived some difficulties in the conduct of my sister and Mr. Gravier, I had three or four conversations with my sister. She told me that if it had depended only on her, she would have definitively broken off all thoughts of marriage with Mr. Gravier, but that since the latter valued her greatly, it had been agreed between them that they would make an attempt. This is how she designated the marriage she was going to contract with Mr. Gravier. My sister then told me very clearly that it had been agreed with Mr. Gravier and accepted by him that, when it pleased her, she would request a divorce, and that Mr. Gravier would undertake not to oppose it. My sister said this in very clear terms, and it is certainly on this condition that she agreed to become, for a time, the wife of Mr. Gravier." When the judge asked him: "Do you know what reception Mr. Gravier gave to this requirement? Did he resign himself to it?", he replied: "According to what my sister told me, Mr. Gravier had accepted the condition imposed by her; my personal opinion is that Mr. Gravier consented to the condition, while hoping to win over

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my sister through his methods."

[*Latin ed. p. 447*]

The Roman Rota, number 447, also presents the testimony of Sophia Baudot, who was connected to Michaela by friendship and knew her well: "I know Madame Gravier, née Goguel, since August 1906. We were in a state of friendship. I can divide the period of the engagement into two epochs: the first, during which Mademoiselle Goguel was very enthusiastic about her fiancé, and the second, during which the young woman had no desire for her fiancé. It was especially during this second period that my relations with Madame Gravier, née Goguel, were more frequent. I remember very well having heard my friend repeat to me several times that, since she could not do otherwise, she would go all the way, she would marry, but afterwards, she said with mystery, 'we shall see.' Then, questioned by the judge: "Was it affirmed to you that this project of divorce was an absolute condition, without which the consent of the future spouse depended?" she replied: "In August 1909, my friend told me that she had had a decisive conversation with her fiancé, Mr. Gravier, and that it had been understood between them that the marriage should only be considered by them as a trial, and that she reserved the right to divorce. I then understood that, since the marriage was proceeding, it was because the fiancé had accepted the condition imposed by the young woman to divorce after the marriage. I understood that the marriage with Mr. Gravier was considered by both parties as a trial; if the trial succeeded, nothing was said about the future, but everything seemed to indicate that the union would continue. If, on the contrary, the trial did not succeed, it was understood by both parties that my friend could request a divorce, and her husband should not oppose it. My conviction, based on the totality of the facts, and based on the knowledge I had of the mentality of my friend, my conviction, I say, is that Mademoiselle Goguel would certainly not have agreed to marry Mr. Gravier, if the latter had not consented to the condition imposed by the young fiancée to divorce after the marriage, if it pleased her. What I have just said explains my astonishment when, in September 1909, I learned through an official announcement of the imminent marriage of my friend. I could not help but say to myself: "Mr. Gravier has consented to the condition imposed by my friend." Another friend of Michaela, Bertha de Fallois, also answered the judge's question expressively: "The negotiations were very long, they lasted about two years, and the engagement lasted about two months; they presented the most bizarre contrasts. Concerning Mademoiselle Goguel, she was completely enamored with Mr. Gravier, a..."

[*Latin ed. p. 448*]

448 Acta Apostolicae Sedis - Commentarium Officiale: "Her brother, it seemed, saw nothing but her, desired only her, and thought only of her.

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"Then, without apparent reason, a complete change occurred; she no longer had any desire for him. She told me many times before the marriage that she was determined to divorce. She told me repeatedly that she would certainly divorce Mr. Gravier later, that this was understood between them, that it was the absolute, indispensable condition, from which her consent essentially depended. These statements were made to me before the marriage, and she was so determined to divorce that, two months before the marriage, she was already seeking an affair with another suitor. Even Milo Öllivier, who knew Michaela well, testifies: "She told me often, some time before her marriage, that she intended to divorce. I have an absolutely certain impression, indeed, the certainty that without the prospect of divorce, she would not have entered into marriage." The Defender of the Bond, who questioned her, asked: "Do you believe that, marrying with the firm resolution to divorce, she thought she was entering into a true marriage?" She replied: "I do not believe so, and my impression on this point goes as far as conviction." The judge also asked: "What reception, to your knowledge, did Mr. Gravier give to this demand of Miss Goguel? Did he end up resigning himself to it?" To which the witness replied: "Before the marriage, I was unaware; but since then, I have the impression that he accepted this condition, because of the ease with which he accepted the divorce, even being willing to promote it." The testimonies of Milo are fully confirmed by his father, Aemilius, a venerable old man, then 88 years old, a member of the Gallic Academy, which is called the Academy of Immortal Men. This man, questioned by the judge, stated: "... I learned from my son, who lived in close intimacy with this young woman, that she was marrying although she no longer loved her fiancé, because she was determined to divorce. I cannot specify the time of these confidences; it was shortly before the marriage. Since the events have confirmed them, they have been repeated to me often in the family. According to what my son told me, I am convinced that in her mind, it was a formal condition." If such was Michaela's intention shortly before the marriage, which she declared to her husband and to several witnesses, it is also certain that this remained the same during the marriage itself, as Michaela and Charles Gravier themselves confess, and as all the witnesses confirm. In response to the judge, who questioned her about this, the actress replied: "However (in the act of marriage itself), I always retained my fixed idea and the will to fulfill the condition that I had presented to my fiancé. I must admit that..."

[*Latin ed. p. 449*]

The Roman Rota, number 449, states: "They, of whom I was unaware, held the opinion that this condition was contrary to the idea of 'Christian marriage.' I cannot say exactly what the state of mind of Mr. Gravier was. Certainly, he gave his consent to our marriage, since he desired it very strongly. This did not prevent him from telling me on the very same day

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that I was indeed cruel, and that this day, which should have been a day of unmixed joy, was troubled for him by the condition that I had imposed upon him." The same witness testifies: "I gave my full consent with the aforementioned reservation. Certainly, Miss Goguel maintained at the time of the consent the condition of divorce." Mary, mother of Michaela: "I was present (at the marriage). My conviction is that the couple maintained this condition of divorce on that day. I have proof of this in the outbursts and fits of temper that she had that day with her husband. What can I say about their consent? It is something internal that I cannot judge." Charles Goguel: "I was present. Without a doubt, the betrothed, at the moment of their marital consent, very clearly maintained the condition of subsequent divorce. What I know about their consent is that they responded: 'Yes.'" Berthe de Follois: "I was present. It is evident that at the moment of the marriage, Mrs. Gravier maintained the condition of divorce, and that her husband, upon arriving in London, could see a second intrigue with an English gentleman. I never saw Mr. Gravier happy for five minutes; he was always unhappy." Milo Ollivier, who was present at the marriage, when questioned by the judge, responded: "Do you think that Mrs. Gravier, nee Goguel, maintained the condition of divorce at that time?" He replied: "Yes, her cold and tranquil demeanor led me to believe this, and her state of mind seemed to be the same as when she confided in me... their cold demeanor indicated a thought of not fully consenting."

This agreement, which, at first glance, seems incredible among Catholics, does not appear improbable in this case, if we examine the mind and intentions of Michaela. She herself stated to the judge: "Why, however, did I marry? The reason may seem trivial: I was young, I thirsted for freedom, I knew that the civil bond was very easily dissolved, I did not foresee the full gravity of the religious bond, I only saw one thing: that Mr. Gravier would not give me my word, and before my companions and my parents, I had too much pride not to go all the way." Her mother recounts about her daughter: "For several years, my poor child has not had religious faith, and according to the principle that one has the right to live one's life, she firmly believed that marriage did not obligate and did not bind in any way."

[*Latin ed. p. 450*]

450 Apostolic Sees - Official Commentary « in an indissoluble manner. Therefore, it is not surprising that she was able to impose such a condition." Thus, other witnesses have spoken more or less of this, but above all, let us hear Aemilius Ollivier: "She had received an excellent religious education, from which she had freed herself, and she came to a state of mind, before the marriage, in which she considered herself bound by no obligation whatsoever, and that marriage was for her an indifferent act, of which she neither understood the gravity nor the sanctity, and of which she found it perfectly natural to free herself when it pleased her." Therefore, it is

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not surprising that this woman, a few months later, without any pecuniary reason, and although well loved by her husband, began to seek a divorce. She herself confesses: "It was about three months after the marriage that the condition of divorce was again raised between my husband and me"; which is confirmed by witnesses. Her mother said: "My daughter told me that, three months after the marriage, she had already expressed to her husband the desire to put into effect the condition that he had accepted: namely, to divorce." Her brother said: "During the month of January, my sister, who had become Mrs. Gravier, did not hesitate to tell me that she had not abandoned the condition imposed by her on her husband, and that she was thinking of divorcing later." This fully confirms that Michaela had the intention of divorcing at the time of the marriage. To these testimonies, which we have in the records, are added *litterae* written by Michaela to a certain friend of hers, when her marriage was imminent, as well as some notes that she herself used to write in her little book, in which she repeated the intention of divorcing. But, since these documents are merely *privata*, and do not bear any mark of authenticity, nor the date on which they were written, they cannot prove anything in court; and therefore, we do not consider it necessary to examine them. "Private instruments (as Cardinal Lega rightly notes, *De Iudiciis*, part 1, n. 527) which do not enjoy public faith, are not *probatio probata*, but *probatio probanda*." This is clearly inferred from article 7 of the Code of Evidence, and even more clearly from article 5 of the Code, where it is stated: "Domestic instruments, or private testaments or notes, if not also assisted by other means, are not sufficient for proof on their own." After so many testimonies, it seems impossible to doubt the truth of the fact; namely, that Michaela, even before the marriage, had imposed a condition contrary to the good of the sacrament, and that she remained in this, at least virtually, at the time of the marriage. The disagreements, however, which are found among the testimonies of the spouses, are not about the imposition of the condition, but about the time when it was first mentioned.

[*Latin ed. p. 451*]

The Roman Rota has ruled in case 451. Indeed, Michael claims to have been married in April of 1908, while Charles states that the marriage took place in October of 1909. However, when Charles asserts that Michael had previously spoken to him several times about the indissolubility of their future marriage, the contradiction appears to be more apparent than real. All the witnesses are based on hearsay, but, as we have seen above, four of them, from Michael's own mouth before her marriage, and therefore at a time when she was not yet suspected, testified to this. The Defender of the Bond in our Tribunal carefully examines their testimonies and attempts to refute them, but testimonies must be considered in a human way, and not all discrepancies concerning the details of the facts invalidate them; indeed,

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they often make them more credible, especially if they refer to facts that occurred recently, as in this case (cf. St. Thomas, *Summa Theologica*, II-II, 79, 9, and Benedict XIV, *De Canon. et Beat. Samt.*, Lib. III, cap. 7, n. 10).

Regarding the legal aspects: First, it should be noted that Michael accused her marriage of being null in the eyes of the Archbishop of Paris, and a process was completed by the Parisian court, and a judgment was rendered. However, Charles Gustav Gravier does not reside in Paris, but in Marseilles. In matrimonial cases involving the faithful, the general principle is that the wife follows the domicile of her husband. An exception would be made if the conjugal life had been dissolved either by a canonical separation from bed and board, or by a malicious abandonment by the husband. In the former case, either party must have the right to bring charges against the other before the bishop of the diocese where the offending party resides. In the latter case, the woman may bring an action for the nullity of the marriage before the bishop in whose diocese she resides. But in our case, the opposite occurred, namely, the woman maliciously abandoned her husband, and therefore the exception does not apply; moreover, the competent judge for this case was the Bishop of Marseilles (cf. Dist. S. G. de Prop. Fide, 1883, n. 2). These matters were noted in our Tribunal before the rendering of the judgment, and we appropriately requested and obtained from the Supreme Pontiff the validation of all the acts completed by the Parisian court in this case.

Our Lord Jesus Christ, elevating the matrimonial contract to the dignity of a sacrament, willed it to be absolutely indissoluble (Matthew, chapter 19, verses 4 and following; and Paul, 1 Corinthians, chapter 7, verses 10-11), and this indissolubility is so essential to the nature of Christian marriage that (when it is perfect or consummated) it is either indissoluble or null. Therefore, those who wish to enter into marriage without this quality in fact do nothing, since it is impossible to will a marriage and at the same time to will not that which belongs to the essence of marriage (cf. Gregory IX, cap. 7, X, h, t, Benedict XIV).

[*Latin ed. p. 452*]

452 Acta Apostolicae Sedis - Official Commentary on the Synod of Dioceses, Book 1, Chapter 13, section XXII, paragraphs 6, 7, and 8. If spouses are mistaken in a theoretical error concerning essential goods of marriage, for example, concerning indissolubility, but neither gives consent of the will dependent on that theoretical error, the marriage is valid, unless some other canonical impediment exists (Sacra Congregatio Graeca, January 15, April 13, 1724, under Benedict XIV, Book 1, paragraphs 4 and 7). This doctrine, being supported by natural law, must also be applied to non-baptized infidels (cf. Sánchez, De Matr., Book 5, section 12; Wernz, Ius Decret, Volume 4, paragraph 302, in fine). However, this ground for nullity, namely,

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the will contrary to the indissolubility of marriage, which is commanded by divine positive law, and therefore called the good of the Sacrament, is such that the Church cannot dispense with it. The Church can indeed establish impediments to marriage, even diriment impediments, and can dispense from those impediments which it establishes; but concerning impediments of divine law, except for the authority of declaring them, it cannot exercise any other power, whether of abrogating, or derogating, or dispensing, unless it can be proven that, by a special divine ordinance, something has been granted to it in this regard (cf. Wernz, Ius Decret, Volume 4, paragraph 55). Therefore, a fortiori, it does not enjoy the authority to dispense from this essential quality of the Sacrament; and therefore, all declarations or instructions given by the Church on this matter at various times must be understood in such a way that if someone, in the celebration of the marriage, actually excludes indissolubility through a positive act of the will, the contract is rendered invalid; whether this act of the will is a condition, or is included in the pact, or is not, whether it is a simple intention, whether it is manifested to the other party or not, whether it is expressed or only retained in mind. Furthermore, since in external matters every act is presumed to be rightly done, unless the contrary is proven (and especially marriage, which enjoys a special favor of the law), it is clear that in external matters, no marriage can be declared null, due to the will of the parties being contrary to the good of the Sacrament, unless this will is certain and proven. Nor does the distinction apply in this case, which is made for other essential goods of marriage, namely, for the good of procreation and for the good of fidelity, the exclusion of which renders a marriage null, if it is a matter of an obligation not to be undertaken, but not if it is only a matter of an obligation not to be fulfilled. All of these things are certain and clearly established in the law, and have been widely and thoroughly approved by all authors of better reputation, and have been sanctioned by Our Sacred Tribunal on more than one occasion (cf. Sententia Neo-Eboracensis, before Me, on March 1, 1913). Therefore, from what has been explained in the case, it appears morally certain that Michaela had the will to celebrate her marriage with Charles Gustav Gravier as dissoluble, or as lasting only for a time, and therefore, there seems to be no doubt that it was null.

[*Latin ed. p. 453*]

453. After all matters, both legal and factual, having been diligently considered, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the tribunal and having only God before our eyes, decree, declare, and definitively pronounce the judgment, answering the proposed question: Affirmative, that is to say, that the marriage is null in this case. We decree that the expenses of the proceedings shall be borne by the plaintiff. Thus we pronounce, ordering the Ordinary and officials of the respective jurisdictions, to whom this pertains, to enforce this our

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definitive judgment, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session 25 of the Council of Trent (Tridentini), employing those executive and coercive means which may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on the 17th of April, 1915. Fridericus Cattani, Presiding. Antonius Perathoner. Iosephus Alberti. L. © S. From the Chancery of the Sacred Roman Rota. Sac. T. Tani, Notary.

SECRETARY'S OFFICE. LETTER TO THE MOST ILLUSTRIOUS LORD, COUNT STANISLAUS MEDOLAGO-ALBANI, PRESIDENT OF THE ECONOMIC-SOCIAL UNION SUBORDINATE TO THE HOLY SEE FOR CATHOLICS OF ITALY, CONCERNING THE ECONOMIC-SOCIAL SCHOOL OF BERGAMO.

Most Illustrious Lord, Count,

In conformity with what I have had the pleasure of communicating to Your Lordship on previous occasions, I am pleased to confirm that the Holy Father, having brought to His attention the economic-social union and the social school of Bergamo, which is an honor and a bulwark of the same union, has deigned to express once again His special interest in this important and provident school, reaffirming for it the continuation.

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis - A commentary on that great benevolence, which the Most Holy Pope Pius X rightly honored. His Holiness has deigned to declare that he always desires the flourishing growth and ever more lively and clear splendor of this institution. And so that this august desire may have a certain realization, the Most Holy Pope has deigned to explicitly determine what the statutes of the School, if not in words, certainly in spirit, comprehended, namely, that the Catholic Social School of Bergamo, although it is a principal part of the economic-social Union, must nevertheless be directly subject to the Holy See with regard to the approval of its professors, its programs, and its regulations. With the confidence that this Pontifical decree, a mark of the paternal concern of His Holiness for the certain and healthy progress of economic-social studies, will be a new stimulus for the consolidation and development of an institution so responsive to the needs of our times, I gladly seize this opportunity to reaffirm my sentiments of sincere and distinct esteem for Your Eminence. From Rome, August 13, 1915.

Devotedly, P. CARD. GASPARRI.

DIARY OF THE ROMAN SECRETARIAT OF STATE

BY ORDER OF THE HOLY FATHER

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With tickets from the Secretariat of State, the Holy Father has deigned to appoint:

August 29, 1915.

— The Most Reverend Cardinal Gaetano Bisleti, Protector of the Franciscan Sisters of the Order of Discalced Carmelites.

— The Most Reverend Cardinal Filippo Giustini, Protector of the Institute of Tertiary Franciscan Sisters of Charity, with its Mother House in Buenos Aires.

[*Latin ed. p. 455*]

From the Roman Curial Diary: By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistants to the Papal See: August 12, 1915.

— Monsignor Giulio Tommasi, Bishop of St. Angelo dei Lombardi and Bisaccia.

— Monsignor Mariano Holguin, Bishop of Arequipa.

Apostolic Protonotaries, as if participating: August 19, 1915.

— Monsignor Giuseppe Klose, General Vicar of the Diocese of Breslau.

— Monsignor Agostino Herbig, Rector of the Major Seminary of the same diocese.

Domestic Prelates of His Holiness: August 19, 1915.

— Monsignor Vittorio Schmidt, Archpriest in Kattowitz, in the Diocese of Breslau.

— Monsignor Pietro Moron, Parish Priest of Istebna, in the same diocese.

— Monsignor Giuseppe Heugebauer, Archpriest in Freiwaldam, of the same diocese.

HONORS: By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of St. Sylvester the Pope: August 13, 1915.

— To Mr. Antonio A. Hirst, of Philadelphia.

The Knighthood of the Order of St. Gregory the Great, military class: August 13, 1915.

— To Mr. Augusto Gagné, of the Archdiocese of Québec.

— To Mr. Agostino Fortin, of the same Archdiocese.

The Knighthood of the Order of St. Sylvester the Pope: July 27, 1915.

— To Mr. Remigio Stefano Jolly, of the Archdiocese of Paris.

[*Latin ed. p. 456*]

Acta Apostolicae Sedis - Official Commentary 456

MAGGIORDOMATO OF HIS HOLINESS

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By the hand of His Excellency, Monsignor Maggiordomo, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

January 30, 1915. — Monsignor Paolo Buchmann, of the diocese of Breslau.

August 21. — Monsignor Nicola, Professor Filonardi, of Rome.

August 31. — Monsignor Girolamo, Canon Magrelli, of the diocese of Norcia.

— Monsignor Giuseppe Ricci, of the same diocese.

Extraordinary Secret Chamberlains of Sword and Mantle of His Holiness:

July 27, 1915. — Mr. Francesco Nicola Blundell, of the archdiocese of Liverpool.

August 14. — Mr. Giovanni Battista Bosco Lucarelli, of the archdiocese of Benevento.

Extraordinary Honorary Chamberlains of Sword and Mantle of His Holiness:

July 15, 1915. — Mr. Francesco Romero Canavachuelo, of the diocese of Seville.

August 21. — Mr. Lawyer Domenico Ardia, of the archdiocese of Naples.

Honorary Chamberlain Extra Urbem of His Holiness:

July 28, 1915. — Monsignor Giovanni van Brüssel, of the diocese of Bois-le-Duc.

NECROLOGY

August 19, 1915. — The Most Reverend Cardinal Serafino Vannutelli, Bishop of Ostia, Porto and Santa Rufina, Dean of the Sacred College, Major Penitentiary.

August 30. — Monsignor Matteo Sislian, titular Bishop of Ammaedera.

September 3. — The Most Reverend Cardinal Claudio Vaszary, Primate of Hungary.

[*Latin ed. p. 457*]

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ACTA APOSOLICAE SEDIS, OFFICIAL COMMENTARY

ACTS OF POPE BENEDICT XV

BY PAPAL ACT, REGARDING WHICH INDULGENCES ARE TO BE PRESENTED TO THE SACRED CONGREGATION OF THE HOLY OFFICE.

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POPE BENEDICT XV:

Whereas, concerning the granting of Indulgences, Our Predecessor, Pope Pius X, by his Apostolic Constitution of April 7, 1910, prescribed that certain Indulgences be examined by the Sacred Congregation of the Holy Office; and whereas, several and weighty doubts arose concerning this matter, We, in order to resolve all such doubts definitively, and following the example of Our predecessors, Pope Benedict XIV on January 28, 1741, Pope Pius IX on April 14, 1866, and confirmed by Pope Pius X himself in the Constitution *Sapienti consilio*, do hereby decree and declare that only those documents pertaining to Indulgences which have been granted to all Catholics throughout the world are to be presented to the Supreme Congregation. Therefore, neither particular Indulgences, however widely they may be extended, nor the faculties to bless and to attach Indulgences and privileges to them, granted to any priests, are to be presented.

ACTA, vol. VII, no. 16. — October 6, 1915. 32

[*Latin ed. p. 458*]

Acts of the Apostolic See - Official Commentary 458. It will now be necessary for the aforementioned Congregation to subject itself to this recognition. These things We have decreed and established, setting aside any contrary provisions, even those with special mention. Given in Rome, at St. Peter's, on the sixteenth day of September, 1915, in the second year of Our Pontificate. BENEDICT XV.

LETTER I TO ANDREW CARDINAL FERRARI, ARCHBISHOP OF MILAN, ON THE OCCASION OF THE ANNUAL MEETING OF THE BISHOPS OF THE MILAN PROVINCE.

Beloved Son and Venerable Brothers, greetings and the apostolic blessing.

We have received your letter, a testament to your piety towards Us, which you sent on the days when you were holding the annual meetings in Milan. We are certainly saddened by what you recount; but We understand perfectly that, amidst so much clamor of arms and so many and prolonged afflictions, scarcely anyone can fail to think of these things, to speak of them in daily conversation, because of which a life of continuous anxiety is now being lived.

For the sake of reconciling peace and lessening the inconveniences of war, We have acted with the urgency of Christian charity; and it is Our intention to continue pursuing this course, so that, having experienced the maternal providence of the Church, a great number of people, recovering their senses, may entrust themselves to its protection and guidance.

May the blessing, a sign of divine favor and a witness to Our apostolic benevolence, be with you all, beloved Son and Venerable Brothers, and with your dioceses, which We impart to you with all Our heart in the Lord.

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Given in Rome, at St. Peter's, on the fifteenth day of August, 1915, in the first year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 459*]

Acta of Pope Benedict XV, page 459, II, addressed to John Cardinal Csernoch, Archbishop of Strigonium, concerning letters of obedience fully presented.

Beloved Son, greetings and the apostolic blessing. — We recall in our thoughts what you wrote to Us, mentioning both those dying in war, and the mournful lamentations and tears of those who desire peace; and for this reason, We have recently striven to commend peace, the work of justice, to kings and to peoples. You, beloved Son, have so diligently fulfilled the duties of paternal charity, and have so earnestly desired peace for yourself and for others, that, with suspended hopes, you turn your gaze towards this Apostolic See, as if from the East from which the first light of the long-awaited peace might finally shine upon the people. May it so happen according to His will! In the meantime, since all Our hope is in God, We have urged the faithful, known for their piety and humility, to pray, and We have reminded them above all that the virtues and examples that are most pleasing to God are the best recommendations. Accept as a sign of Our gratitude for the services rendered, together with the apostolic blessing, which We impart to you, beloved Son, and to your diocese, as a pledge of heavenly blessings and of Our benevolence. Given in Rome, at St. Peter's, on the thirtieth day of August, in the year 1915, in the first year of Our pontificate.

BENEDICT XV

III, addressed to Joachim Cardinal Arcoverde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, happily completing the twenty-fifth year of his episcopate.

Beloved Son, greetings and the apostolic blessing. — We seem to see you present, and, recalling past events, we are transported back to the day when, by the imposition of hands, you received the power to feed the flock of Christ in Rome. It happened that We were also present; who...

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis - Official Commentary - we are not unmindful - not being sufficiently robust in health to attend the sacred ceremony, together with the vows of a long and fruitful episcopate, we also made vows to restore, as soon as possible, and to preserve, for as long as possible, our health. May God grant our wishes, so that after five years, you may be adorned with a higher dignity, and it may be permissible for you not only to enjoy the joys of the sacred office which you undertook, but also

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to give thanks to God for the many fruits of diligent charity, as is fitting. In this office, we gladly join you, and we testify our benevolence towards you - that is, towards you, whose fame of virtues has indeed grown - not only with congratulations and auspicious words, but also with an apostolic blessing, which, with the favor of heavenly gifts, we impart to you, our beloved Son, and to your diocese, earnestly in the Lord. Given in Rome, at St. Peter's, on the thirty-first day of August, 1915, in the first year of Our Pontificate. BENEDICT XV. TO THE MOST REVEREND CARDINAL DE HARTMANN, ARCHBISHOP OF COLOGNE, AND TO THE BISHOPS WHO HAVE GATHERED AT FULDA ON THE OCCASION OF THE ANNUAL MEETING. Beloved Sons and Venerable Brothers, greetings and the apostolic blessing. - At Fulda, as is your custom, you recently sent us letters, in which you testified both to your piety towards us, and to the diligence with which you strive to maintain and increase the Catholic cause among you. We heartily commend both to you, and we clearly recognize that, in holding your annual meetings at the tomb of St. Boniface, you seek to emulate his example, so that you may wish to conform your studies to his. In these turbulent times, in which we see the most flourishing states of Europe being disturbed and almost torn apart by a stormy onslaught, you readily understand, beloved Sons and Venerable Brothers, how we are grieved by the constant deaths of so many people and the calamities of so many nations, which are before our eyes day and night. The more these things become burdensome, the more we observe that the desire for peace becomes more fervent among all, including ourselves. But we greatly desire that these common aspirations may follow that path which, through patient and benevolent charity, leads to peace; a path from which those who believe that they may...

[*Latin ed. p. 461*]

The Acts of Pope Benedict XV, page 461, state that certain events concerning another nation of Catholics should be recounted in words or writings such that, as the Apostle says, they provoke one another, envy one another, and add new fuel to those very resentments, the flames of which ought to be extinguished by the equity and mildness of judgment. Therefore, while we seek peace for all through our prayers – and indeed, that peace which is the work of justice and is fitting to the dignity of peoples – we urge Catholic men to contribute, each in his own way, to the restoration of peace through Christian fraternal love, and not through contention. May the blessing, which is a foretaste of divine gifts and a witness to Our apostolic benevolence, be imparted to you all, Our beloved Sons and venerable Brothers, to the clergy and to the people among you, and may it be abundantly bestowed in the Lord. Given in Rome, at St. Peter's, on the sixth day of September, in the year 1915, in the second year of Our pontificate. BENEDICT XV. TO OUR BELOVED

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SONS, THE PRESIDENT AND MEMBERS OF THE ASSOCIATION FOR THE ERECTION OF CHURCHES IN CANADA, CELEBRATING THE THIRD CENTURY SINCE THE ACCEPTANCE OF THE CATHOLIC FAITH. Beloved Sons, greetings and Our apostolic blessing. — We have learned with pleasure, and indeed, with great joy, of the piety that honors your people, and especially of the auspicious events that you announce, concerning the solemn celebration of the third century since the first Canadians were called to the admirable light of Christ through divine grace and benefit. For you write that, in the preparations for these celebrations, you intend to set forth a plan so that all may recognize the excellence and utility of the divine truth and grace to which you have become united through the Catholic religion, and so that common efforts may be aroused to give thanks to God for eternal blessings. This is, indeed, a worthy plan, worthy of your faith and wisdom, and we believe that it deserves Our commendation, also because the sentiments of gratitude to God should not be separated from the expression of gratitude, especially among the Religious men of the Franciscan Order, to whom your predecessors and yourselves have received so many benefits through their apostolic charity. And since we understand that this act of grateful remembrance is not the last, and that the benefits received should not only be remembered and acknowledged,

[*Latin ed. p. 462*]

Acts of the Apostolic See - Official Commentary 462. We openly, and indeed piously, encourage and defend [these actions], and we are certain that the fruits produced by these same evangelical workers will not only be religiously preserved, but that you will strive increasingly each day to promote Catholic discipline, and, above all, to strengthen the bonds of obedience and devotion to the Apostolic See, bringing about a more abundant and joyful flourishing. That this may come to pass, We impart to you, beloved sons, and to all Canadian Catholics, Our paternal Apostolic blessing, a testament to the heavenly gifts of Our benevolence. Given in Rome, at St. Peter's, on the tenth day of September, 1915, in the second year of Our Pontificate. BENEDICT XV. (SECTION ON INDULGENCES) DECREE: INVOCATION TO THE MOST BLESSED ROSARY. AN INDULGENCE OF ONE HUNDRED DAYS IS GRANTED. On October 1, 1915, the Most Holy Pope Benedict XV, of divine providence, Pope XV, granted, with paternal kindness, to all the Christian faithful of both sexes, that whenever they shall, with at least a contrite heart and with devotion, recite the pious invocation "Queen of the Most Holy Rosary, pray for us," they shall receive an Indulgence of one hundred days, applicable also to the souls of the departed. This [decree] is valid forever, without any time limit. Notwithstanding any contrary provisions. R. CARD. MERRY DEL VAL, Secretary.

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L. Hg S. Aloysius Giambene, Substitute for Indulgences.

[*Latin ed. p. 463*]

SACRED CONGREGATION OF THE CONSISTORY

NOMINATIONS

By decrees of the Sacred Congregation of the Consistory, the following were nominated:

October 2, 1916. — Reverend Father Dominick Cosenza, Archbishop of Capua, Apostolic Administrator of the cathedral churches of Aesernia and Venafra. — Reverend Father Fortunatus de Santa, Bishop of Suessa, Apostolic Administrator of the cathedral churches of Galvensis and Teano.

NOMINATIONS OF BISHOPS

By apostolic briefs, the following were nominated:

August 10, 1915. — Reverend Father John De-Vienne, of the Society of Priests for the Mission, appointed titular Bishop of Abritensis and Apostolic Vicar of Ge-li, in the southwestern region. — Reverend Father Ludovicus Van Dyck, of the Congregation of the Immaculate Heart of Mary of Scheut, appointed titular Bishop of Abbiritensis and Apostolic Vicar of Mongolia, in the southwestern region. — Reverend Father Theodorus Gordaliza, of the Order of Preachers, appointed titular Bishop of Abdera, as coadjutor bishop with the right of succession to the Apostolic Vicar of Tonkin, in the northern region.

CONCERNING EXTRAORDINARY ECCLESIASTICAL AFFAIRS

From an audience with His Holiness, on August 27, 1915.

His Holiness, Pope Benedict XV, graciously accepting the petition presented by His Eminence and Most Reverend Lord Desideratus, Archbishop of Mechelin, through me, the undersigned Secretary.

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis - The Official Commentary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, in order to more effectively minister to the spiritual welfare of the Belgian army, selected the Priest, John Marinis, Secretary of the Archdiocese of Mechlin, to serve as Chaplain Major, or Vicar of Castrum, with the Belgian army, for as long as the present war lasts. In fulfilling this office, the aforementioned Priest, with the permission of the Most Blessed Father, shall enjoy the powers and rights which are set forth below. He is, in effect, constituted the proper Ordinary of all clerics and priests, both secular and regular, who minister to Belgian soldiers in spiritual matters, whether in the camps or in any

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hospitals. Therefore, with the advice of military authorities, he shall have the power to select or approve priests who shall exercise the sacred ministry as chaplains with military units, after having inquired of each individual Ordinary whether they are fit to undertake such a duty; and, if a just cause arises, with the consent of the military authorities, he may, according to his conscience, remove them from office or forbid them from performing the sacred rites, removing any title and notifying each Ordinary. Furthermore, all the faculties mentioned in the document attached to this Decree are granted to the aforementioned Vicar of Castrum. Moreover, the priests of both the secular and regular clergy, about whom we have spoken, while serving the soldiers, shall, with all privileges and exemptions pertaining to the sacred ministry set aside, obey the aforementioned Priest, John Marinis, as their proper Ordinary, in the fulfillment of the office entrusted to him; and they shall be subject to his authority in the exercise of the faculties granted to them, as contained in the document attached by the Apostolic See, in all respects during the war. If any doubt, matter, or difficulty arises in the performance of the sacred ministry, they shall consult him, and him alone. Furthermore, it is permitted to the Priest, John Marinis, if it is necessary, to add one or more priests to his staff, who shall assist him as vicars with full powers. Contrary provisions, even those of a special and individual nature, are not to stand in the way. Given at Rome, from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above. Eugenius Pacelli, Secretary.

[*Latin ed. p. 465*]

The Sacred Roman Rota, 465. During the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 19th of May, 1915, the Most Reverend and Venerable Fathers, William Sebastiani, Dean, and Seraphinus Many, John Prior, Aloysius Sincero, Joseph Mori, Frederick Cattani, Anthony Perathoner, Joseph Alberti, Peter Rossetti, and Raphael Chimenti, Auditors, in the case of Mileten-Iurium, between the Confraternity of Saint Michael, represented by the legitimate procurator, advocate Vincent Sacconi, and the Confraternity of the Blessed Virgin Mary of Graces, of the town of Arena, in the diocese of Miletus, rendered the following definitive judgment.

Whereas, in the town of Arena, in the diocese of Miletus, various questions were being debated with great fervor between the Confraternity of the Blessed Virgin Mary of Graces and the Confraternity of Saint Michael, and whereas the former brought the latter before the diocesan court, and on the 2nd of July, 1910, a judgment was issued which was largely favorable to the Confraternity of Saint Michael; and whereas an appeal was interposed against this judgment before the Most Holy Office, and before the conclusion of the case, a certain decree of the Bishop Philip Mincione, issued during a pastoral visitation on the 24th of May, 1853, was presented,

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in which are enumerated the general, or customary, processions to which both confraternities were to attend without invitation; namely, the processions of the Body of Christ, of Saint Mark the Evangelist, of the Rogations, and of Saint Michael the Archangel.

Conforming itself to this decree, the tribunal, regarding the third question: "Whether and in what manner the Confraternity of the Blessed Virgin Mary of Graces is entitled to participate in all processions, and without invitation from the Confraternity of Saint Michael," responded: "Affirmatively, with regard to the processions enumerated in the first item of the decree issued by Bishop Mincione on the 24th of May, 1853, during the pastoral visitation of Arena..."

Thus, by this judgment, the procession of Saint Michael, decreed by the confraternity of the same name, was declared to be a general, or customary, procession.

However, this judgment had already passed into the realm of the adjudicated, when another decree of the same Bishop Mincione was discovered.

[*Latin ed. p. 466*]

466 Acta Apostolicae Sedis - The official commentary states that this [decision] nullifies any force that the prior [decision] may have had. Therefore, the confreres of St. Michael, since they could not call upon another turn due to the fatal fall, appealed to the highest tribunal of the Apostolic Signatura, requesting the restoration in full of the judgment concerning the third doubt; this restoration was granted by the Most Eminent Fathers on July 28, 1914. Therefore, today, before our audience, with the entire hall in attendance, in accordance with canon 41, § 3 of the proper law, the question is presented for resolution, only in this part, while all other decisions remain firm, under this formula of doubt: "Does the confraternity of the B. V. M. Gratiarum have the right to participate in a procession that is led on the occasion of the feast of St. Michael without an invitation from the confraternity of St. Michael, from which the procession is led, in this case?" The Fathers noted that the present judgment is being held despite the contumacy of the Confraternity of the B. V. M. Gratiarum. Since it has not appeared after being summoned twice, according to the practice established in the ecclesiastical forum, it is presumed to have sent notice to its representatives, and therefore, even in its absence, the case can be decided and the matter resolved, as if it were present, which is also in accordance with our regulations, Title I, § 26, n. 6, 7. With this established, the judge of Miletus, in accordance with the common law, ruled that the Confraternity of the B. V. M. Gratiarum does not have the right to participate in processions that are not its own, or in processions that are led by the Confraternity of St. Michael by virtue of its proper law, a rule that the Fathers also followed in the judgment of January 9, 1913, in response to the second part of the third doubt. However, it is clearly stated in the statutes

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of the confraternity of the same name that the procession on the feast of St. Michael is led by that confraternity by virtue of its proper law, in which it is written: "On the day of St. Michael, on September 29, the solemn feast and procession must be held at the expense of said congregation, as well as the novena preceding said feast with the sung Mass and the exposition of the Most Holy Sacrament." Nor does the decree of Bishop Mincione of May 24, 1853 favor the Confraternity of the B. V. M. Gratiarum. The decree states the following: "From this day forward, these two confraternities must, because they are bound to do so, participate in all processions of the rite, which are those of the Thursday of Corpus Christi, of St. Mark the Evangelist, of the Rogations, and of St. Michael the Archangel, whose feast is solemnly celebrated on one of the Sundays of August or September of each year, venerated as the principal patron from ancient times." Therefore, the Bishop of Miletus included the procession of St. Michael among the general, or rite, processions, because he believed that the Archangel Michael was the patron of the town of Arena; for it is no secret that a procession is held for the patron.

[*Latin ed. p. 467*]

In the city of Romana, on the 467th day, there is a right and an obligation for all Confraternities to participate. This is evident from the words of the decree: "The aforementioned two Confraternities are obligated to participate, because they are bound to do so." The Bishop would certainly not have used these words if he himself had intended, with his own authority and as if for the first time, to make the procession of St. Michael a general one. Therefore, the Fathers rightly wrote in the aforementioned judgment of January 29, 1913: "The just reason for this dispensation is given in the aforementioned decree, because indeed St. Michael is held and venerated as the principal patron of the people of the place of Arenarum." However, after the Archbishop of Miletus learned that he had made a mistake, through the vicarius forane of Arenae on September 12, 1856, he declared "to the respective spiritual fathers and pastors of this Congregation... that the decree issued on the occasion of the sacred visitation of May 24, 1853, remained annulled in the part concerning the Holy Patron, since it was not found that there were sufficient and truthful assertions that the Archangel St. Michael was the patron." By this letter, the Bishop directly refuted the reason why he maintained the general procession of St. Michael, and indirectly, but decisively, he intended to remove it from the catalog of processions. Secondly, in favor of the Confraternity of St. Michael, there is a long and continuous practice, which is not only the best interpreter of laws, but also of any acts, contracts, and dispositions, indeed, the queen of interpretations, as the doctors commonly teach, and as the Rota has constantly held in several decisions, as I related in the Melevitan Funerum of June 7, 1913. And it should be noted that in this

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case, we have a practice of not only ten or twenty years, which is sufficient in the field of interpretation, but also more than sixty years. Indeed, as 33 witnesses testify, both before and after the Bishop's decree of May 24, 1853, up to the present time, the Confraternity of Gratiarum has never participated in the procession of St. Michael by its own right, but only a few times at the invitation of the Confraternity of St. Michael. Therefore, to the extent that it was necessary, this aforementioned practice has the force of a very long prescription; for in order to prescribe against the goods, or the rights of churches, or of other institutions or religious places, or of pious organizations, a prescription of forty years is sufficient, even without a title, from chapters 4, 6, 8, 9, on prescriptions, and chapter 1 of the same title, in VI. After these things, it was deemed necessary for the Fathers to raise the question of expenses. And with regard to the expenses of other instances, they stated that there was no reason to deviate from what had been decreed by the Fathers in the judgment of January 9, 1913, especially if it is noted that restitution in integrum was given only with regard to the third doubt, but not with regard to the expenses. Regarding the expenses of the present instance, the Fathers noted...

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis - Official Commentary: It is the established rule that a contumacious party is held liable for expenses. This is affirmed by Reiffenstuel in the title concerning fraud and contumacy, paragraphs 150 and 151. "The penalty for contumacy" is the loss of the lawsuit... The contumacious party is restrained by the loss of the lawsuit to the extent that "primarily, the contumacious defendant is condemned to pay the expenses." This is repeated in the title concerning the one who is sent into possession, paragraph 10, and in the title concerning the judgment and the res judicata, paragraph 188, where, after explaining the rule that the victor is condemned to pay the expenses to the victor, it is stated that this rule is invalid when contumacy is involved; for whether he wins or loses, the contumacious party must always be condemned to pay the expenses of the opposing party. Similar statements are found in Schmier, *Iurisprudentia canonico-civilis*, Book 2, treatise 2, canon 5; and in Schmalzgrueber in the title concerning the judgment and the res judicata, paragraph 119. Now, since in the present case there is no doubt that the Brotherhood of the Most Blessed Virgin of Gratiarum was contumacious, it is clear that it must be condemned to pay all the expenses of the lawsuit, including the attorney's fees. After due consideration, We, the undersigned Auditors sitting for the tribunal, invoking the name of Christ and keeping God alone before our eyes, respond to the proposed question: Negatively, the Brotherhood of the Most Blessed Virgin of Gratiarum is condemned to pay all the expenses of the present proceedings, including the attorney's fees. Thus we pronounce, and definitively judge, ordering the Ordinaries of the places and the offi-

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cials of the tribunals to whom this pertains, to order the execution of this judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. Rome, in the seat of the Sacred Roman Rota, on the 9th of May, 1915. William Sebastiani, Dean, Presiding. Seraphinus Many. John Prior. Aloysius Sincero. Joseph Mori. Frederick Cattani. Anthony Perathoner. Joseph Alberti. Peter Rossetti. Raphael Chimenti. From the Chancery of the Sacred Roman Rota. Rev. Tani, Notary.

[*Latin ed. p. 469*]

Diarium Romanae Curiae 469 DIARIUM ROMANAE CURIAE SECRETARIA DI STATO NOTICE. The Directorate of the Annuario Pontificio, in accordance with the circular letter of the Most Reverend Cardinal Gasparri, Secretary of State of His Holiness, dated July 15, 1915, earnestly requests the Most Reverend and Venerable Archbishops and Bishops, the Reverend Superiors of Religious Orders and of Ecclesiastical Colleges, to provide, in due time, the information, corrections, and additions that may be necessary for the publication of the Annuario for 1916, to the usual address at the Secretariat of State.

BY NAME. With tickets from the Secretariat of State, the Holy Father has deigned to appoint:

September 10, 1915. — The Most Reverend Cardinal Audo Gasquet, Protector of the English College.

September 20. — The Most Reverend Cardinal Vincenzo Vannutelli, Protector of the Institute of the "Little Sisters of the Poor."

September 21. — The Most Reverend Cardinal Filippo Giustini, Papal Delegate of the Monastery and Church of St. Clare in Naples.

October 1. — The Most Reverend Cardinal Guglielmo Van Rossum, Major Penitentiary. — The Most Reverend Cardinal Aristide Rinaldini, Protector of the Venerable Capranica College. — The Most Reverend Cardinal Filippo Giustini, Protector of the Augustinian Religious Sisters of Santa Marta.

By Apostolic Briefs, the Holy Father has deigned to appoint:

September 17, 1915, — Monsignor Sebastiano Leite de Vasconcellos, Bishop of Beja in Portugal, as Assistant to the Papal See.

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis - Official Commentary by the Apostolic Protonotary for the information of those present: August 26, 1915. — Monsignor Francesco C. Kelley, of the diocese of Chicago. August 28. — Monsignor Giovanni Marinis, secretary of the archdiocese of Malines. Domestic Prelates of His Holiness: August 24, 1915. — Monsignor Filippo

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Rincón Gonzalez, pastor and vicar of St. Cristóbal, in the diocese of Yucatán. September 1. — Monsignor Francesco O'Neill, of the diocese of Newark. — Monsignor Edoardo Siboni, canon of the cathedral of Albenga. September 11. — Monsignor Raffaele Maria Carrasquilla, canon of the cathedral of Bogota. — Monsignor Carlo Cortes Lee, of the same archdiocese. September 23. — Monsignor Geraldo P. Coghlan, of the diocese of Philadelphia (United States of America). — Monsignor Francesco P. Me Govern, of the same diocese. — Monsignor Eugenio Murphy, of the same diocese. — Monsignor Michele Crane, of the same diocese. — Monsignor Ugo S. Henry, of the same diocese. — Monsignor Enrico S. Drumgoole, of the same diocese. September 28. — Monsignor Giuseppe Dr. Siegescu, of the diocese of Lugos (Hungary). HONORS By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Pius: August 31, 1915. — To His Excellency, Mr. Giuseppe Vincenzo Concha, President of the Republic of Colombia. The Plaque of the Order of Pius: August 16, 1915. — To Mr. Stanislao de' conti Muccioli, formerly a lieutenant in the corps of the Pontifical Noble Guard. The Commanderate of the Order of Pius: September 3, 1915. — To the following gentlemen: Count Valentino Canale, Count Bartolomeo Pietromarchi, Marquis Benedetto Sacripante, Marquis Giovanni Pellegrini-Quarantotti, members of the Pontifical Noble Guard.

[*Latin ed. p. 471*]

Diarium Romanae Curiae 471, page 17.

Knighthood of the Order of Saint Gregory the Great: September 2, 1915. – To Mr. Giorgio de Sury d'Aspremont, captain of the Pontifical Swiss Guard.

Knighthood of the Order of Saint Gregory the Great, civil class: September 9, 1915. – To Mr. Lorenzo Bandettini, of the archdiocese of Florence.

Knighthood of the Order of Saint Sylvester the Pope: September 13, 1915. – To Messrs. Ludovico Haas and Cristiano Caspar, captains of the Pontifical Swiss Guard.

September 15. – To Mr. Daniele Me Cabe, of the diocese of Salford.

September 28. – To Mr. Cesare Calcagni, of the diocese of Ostuni.

HIS HOLINESS'S HOUSEHOLD:

By letters from His Eminence, the Most Reverend Monsignor, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness: August 21, 1915. – Mons. Eutimio Pasotti, of the diocese of Faenza. August 31. – Mons. Giuseppe canonico Calderoni, of the same diocese. September 22. – Mons. Giovanni Evangelista Pereira Barros, of the archdiocese of São Paulo in Brazil. – Mons. Giuseppe Emanuele Silveira Barrados, of the same

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archdiocese. – Mons. Luigi Calcagno, of the diocese of Casale.

Honorary Chamberlains in purple vestments to His Holiness: September 30, 1914. – Mons. Pietro Bagarotti, of the diocese of Cotrone. March 27, 1915. – Mons. Edoardo Wattmann, of the diocese of Cleveland. June 5. – Mons. Alfonso Frattari, of the diocese of La Piata.

[*Latin ed. p. 472*]

72 Acta Apostolicae Sedis - Official Commentary of the Extraordinary Secret Chamberlains of the Sword and Cape: October 14, 1914. — Mr. Guglielmo Van Waterschoot van der Gracht, of Amsterdam. December 22. — Mr. Clemente de Savigny, of the Archdiocese of Bavaria. July 14, 1915. — Mr. Count Adriano d'Esclaiber, of the Diocese of Arras. July 28. — Mr. Ugone Lumsden, of the Diocese of Aberdeen. — Mr. Giovanni Carlo Ogilvie Forbes, of the same Diocese. September 13. — Mr. Marquis Giovanni Du Four Berte, of the Archdiocese of Florence. September 22. — Mr. Count Paolo Charpentier, of the Diocese of Orléans. Extraordinary Chamberlain of the Sword and Cape to His Holiness: July 28, 1915. — Mr. Giovanni Craigen, of the Diocese of Aberdeen. Extraordinary Chamberlain outside of Rome to His Holiness: September 23, 1915. — Monsignor Luigi di Milia, from Calitri, of the Archdiocese of Conza. Honorary Secret Chamberlain to His Holiness: February 13, 1915. — Monsignor Michele Lauda, of the Archdiocese of Benevento. NECROLOGY: July 22, 1915. — Monsignor Francesco Federico Linneborn, of the Congregation of the Holy Cross, Bishop of Dacca. August 4. — Monsignor Giuliano Maria Dunand, of the Seminary of Foreign Missions of Paris, titular Bishop of Caloe, Apostolic Vicar of the north-western Se-Ciuen. August 19. — Monsignor Eugenio Lodovico Kleiner, of the Seminary of Foreign Missions of Paris, titular Bishop of Tloe. September 15. — The Most Reverend Cardinal Benedetto Lorenzelli, Prefect of the Sacred Congregation of Studies. September 16. — Monsignor Giuseppe Higgins, Bishop of Ballarat. September 17. — Monsignor Francesco Teófilo Zotico Racicot, titular Bishop of Pogla and Auxiliary Bishop to the Archbishop of Montreal. September 18. — Monsignor Adolfo David, titular Bishop of Sebaste of Laodicea, Auxiliary to the Most Reverend Cardinal De Cabrières. September 26. — Monsignor Nicola Maria Merola, Bishop of Isernia and Venafro. October 5. — Monsignor Longino Zarnowiecki, titular Bishop of Mosynopoli.

[*Latin ed. p. 473*]

Year VII - Vol. VII, October 27, 1915, No. 17. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE BENEDICT XV. LETTER TO RAPHAELEM MARIAM CARRASQUILLA, BISHOP OF URBANUM, REGENT OF THE COLLEGE OF MAIORBOGOTA, ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF ITS FOUNDA-

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TION IN ROSARIO, COLOMBIA, AND HIS APPOINTMENT TO ITS ADMINISTRATION.

Beloved Son, greetings and the apostolic blessing.

It is certainly to your merit that we are informed that the citizens of Colombia are preparing a celebration for you, on the occasion of the twenty-fifth anniversary of the founding of that college, of which you have now assumed the administration. It is pleasing to us, beloved Son, that from both the present and former students, we recognize this virtue of yours – which we have kept in mind when, not long ago, we chose you among the Bishops of Urbanum – as a testament to the excellent qualities of your mind and character, which, according to the judgment of many, are truly outstanding.

Indeed, from what has been presented, we clearly see that we must congratulate you, beloved Son, and also your students: you, for the excellent fruits that your industry and diligence bring to the education of youth; and they, for the benefits of doctrine and virtue that they receive from you, by which they can achieve both the glory of righteous deeds and considerable advantages for themselves.

Furthermore, we trust that that noble Lyceum, which, under your guidance, we have seen flourish in discipline and in the study of the liberal arts, will continue to grow under your prudent care. May you, with the help of divine grace, achieve this most happily. We bestow upon you, first of all, beloved Son, the apostolic blessing, which unites heavenly gifts. ACTA, Vol. VII, No. 17, October 27, 1915.

[*Latin ed. p. 474*]

474 Acta Apostolicae Sedis - Official Commentary, and with the most loving intention, we impart it to all of you, our beloved students, who rejoice with us. Given in Rome, at St. Peter's, on the seventeenth of September, 1915, in the second year of Our Pontificate. BENEDICT XV.

TO HIS HOLINESS, TO CARDINAL BOSCHI, ARCHBISHOP OF FERRARA, AND TO OTHER BISHOPS OF THE REGION OF FLAMINIA: A RESPONSE TO THEIR LETTERS, SENT TO US ON THE OCCASION OF THEIR ANNUAL MEETING.

Beloved Sons and Venerable Brothers, greetings and the apostolic blessing.

Nothing gives Us more pleasure than the letters which you, anticipating as usual your annual meeting, have sent to Us from Bononia. For when We read them, We clearly saw that your hearts are devoted first and foremost to the Vicar of Jesus Christ, and then, according to ancient custom, are most closely united with Ourselves. It is a source of great joy to Us to recall the times when We consulted with you here about the affairs of our diocese. Although We were not physically present at that meeting, We were present

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in spirit, and We prayed earnestly for the good of the plans and proposals you presented. Therefore, We gratefully acknowledge your piety and your willingness to comply faithfully with Our prescriptions.

And as you congratulate Us on what We have accomplished this first year of Our Pontificate for the promotion of the common cause of Catholics, for the illustration and defense of Christian wisdom and discipline, and for the alleviation of the miseries of this calamitous war, all praise is due, not to Us, but to the Giver and Helper of good counsel, to God. Continue to pray with Us, as you do, that peace may not be delayed any longer. May the same God grant you the abundant fruits that you expect from this meeting. Of this, We offer you, Our beloved Sons and Venerable Brothers, and to your clergy and people, the apostolic blessing, as a sign of Our divine benevolence and Our special favor.

Given in Rome, at St. Peter's, on the first of October, 1915, in the second year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 475*]

To the Most Reverend Father, Adolf, Bishop of Breslau, to offer congratulations on his diligence in governing the diocese. "Venerable Brother, greetings and the apostolic blessing. We clearly see that you are working as a good soldier of Christ. For scarcely a year has passed since you began your episcopate in Breslau, and although the times present such harsh conditions and concerns that greatly occupy your thoughts, where there is such great and urgent need for assistance, you are planning a meeting of the elders from your clergy, so that, through common counsel, you may better provide for the common good of the diocese. This diligence of yours, venerable Brother, has pleased us all the more, because it is not separated from wise discernment in matters to be discussed in the meeting. Indeed, you seem to have overlooked nothing that is necessary for the fruitful governance of the diocese: nothing that contributes to strengthening and defending the Catholic faith: nothing that provides encouragement for daily piety in the hearts of the people. You should understand from this that, with equal joy, we also look forward to your plans and endeavors, and, as you desire, we will invoke heavenly assistance through prayer. We also ask that you obtain from us that we, with paternal encouragement, may foster the good intentions and unwavering will of those who have, for so long, been working tirelessly to alleviate the calamities of war. Know also that you will readily obtain this from us; however, instead of encouragement, we prefer to bestow the highest praise and commendation upon them, especially upon the leading men of the clergy and the religious of both sexes. For with these rewards and incentives, we prefer to deal with those who have given such examples of Christian charity, as you yourself recall in your writings. The length of the war and the increasing inconveniences caused by it each day are such that the ardor of such generous and diligent charity

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does not diminish, but rather, it is inflamed more and more; for nothing is too difficult to expect from those whose love for their country is sustained even by the hope of a greater reward in the life to come. As a witness to the divine gifts and to our benevolence, may the apostolic blessing be with you, venerable Brother, and with your clergy and people, which we impart to you with heartfelt affection in the Lord. Given at Rome, near St. Peter's, on the tenth day of October, in the year 1915, in the second year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 476*]

476 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION CONSISTORIAL. DECREE. His Holiness Pope Benedict XV provided for the following church, namely: October 5, 1915. — The Reverend Monsignor Joseph Lopes Leide de Faria, a priest of the archdiocese of Braga, was appointed Prefect of the cathedral church of Braganza. APPOINTMENT. By Decree of the Sacred Consistorial Congregation: September 22, 1915. — The Reverend Father Cosimus Agostino, Bishop of Ariano, was appointed Apostolic Administrator of the cathedral church of Lacedonia. SACRED CONGREGATION FOR THE DISCIPLINE OF THE SACRAMENTS. PRESUMPTION OF THE DEATH OF A HUSBAND. Titius, a Catholic, approximately twenty-five years ago, having been convicted of theft, fled secretly to America, alone and destitute, to avoid the penalty of imprisonment for one year and a half, which had been imposed upon him for that crime, leaving behind both his children and his wife, who, however, willingly consented to his flight. Upon arriving there, through a certain deceased notary in the City N., he arranged for the drafting of a power of attorney in favor of his wife; by which power of attorney, he granted his wife the general power to dispose of his assets. He sent several letters to the same wife over a period of five years, now lost, one of which recounted that he was, in a certain workshop,

[*Latin ed. p. 477*]

The Holy Congregation for the Discipline of the Sacraments, to a certain leatherworker whose name is unknown, has presented a case. In her final letter, she had clearly expressed her intention to return soon, as the woman testifies: "I clearly remember – so she says – the final words of the last letter: 'I do not linger in America; I will soon come to you; for not everything that glitters in America is gold.'" Since that time, namely, since approximately the year 1894, she has given no further news of him. Nor, on the other hand, has any trace of the man been found, although numerous investigations have been carried out at various times and for various reasons. The wife, in the first instance, in the year 1906, applied to the civil court, not, however, to enter into a new marriage, but because she wished to be released from the marriage. The court, after having unsuccessfully attempted to summon

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the man through public announcements and newspapers, declared him dead in the same year, 1906, according to the provisions of civil law. The wife, after one year, then married another man before a civil magistrate, confident that she could immediately enter into a sacramental union with him. When the parish priest, uncertain about the death of the former husband, refused to assist at the marriage, the couple, abhorring separation, earnestly petitioned the Ordinary to recognize the death of the man and to permit the transition to a new marriage. However, after careful examination of the evidence, the diocesan court rendered the judgment: "It is not established that Titus is dead." Then the woman, not discouraged, after carrying out further, albeit fruitless, investigations in America, appealed to the Metropolitan Curia. Which, in the year 1912, declared: "The previous judgment must be upheld," but, considering the circumstances, also judged: "That an appeal should be made to the Holy See." Therefore, the aforementioned diocesan court transmitted the proceedings to this Holy Congregation, which then ordered a supplement to the records. And thus, the case was finally submitted to the judgment of the most wise and Reverend Fathers.

Solution. – As has been stated on many previous occasions in similar cases, in order to prove the death of a spouse, when proof of the true name is lacking, it may often be sufficient to present a collection of indications and conjectures from which the asserted death appears to be highly probable or morally certain (Instr. S. Off. an. 1868, n. 6). Such indications do not seem to be lacking in this case. Indeed, first, consider the uselessness of so many investigations carried out in the years 1909 and 1911 throughout that region where the man remained after his disappearance. The name Titus was mentioned in those newspapers which are commonly read by almost all emigrants of the same nationality in that region. But the man, if he were still alive, would certainly be known to some.

[*Latin ed. p. 478*]

478 Acta Apostolicae Sedis - The official records of the citizens who, without a doubt, had demonstrated to him through the cited newspaper articles. Furthermore, investigations were conducted to ascertain his name by examining the records of all Catholic parishes and even the large hospitals of that city, in which it is known that he had once resided; but always in vain. It cannot be denied that the man, mentioned in the newspapers, may have remained hidden, perhaps because he suspected treachery from his own people, who were demanding his extradition for a past crime. For, according to the testimony of the diocesan Curia, the time prescribed by the law of that nation for abolishing the penalty for such a theft had already elapsed in the year 1894; that is, 15-17 years before the aforementioned public articles were published. Therefore, he could certainly have emerged from his hiding place at that time. And he himself knew this well; for, in

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the year 1894 (when his penalty would cease by prescription), he wrote to his wife: "I will not remain in America... I will soon return to you." Furthermore, one must also consider the poor health with which he had already been afflicted before his flight. His wife, under solemn oath, testified that her husband suffered every year from violent coughing fits, especially during the autumn and winter months; that he also complained of chest pains, and often coughed up purulent and bloody sputum. Surely, such chronic infirmity must have greatly worsened in a man, who, far from his homeland, was poor, solitary, deprived of almost all care, and subjected to harsh labor? The presumption of death is made even stronger by that sudden and completely inexplicable interruption of correspondence with his wife. Indeed, from the year 1889, when he emigrated, until the year 1894, he wrote five letters to his wife, and then – that is, for 21 years – none. Such silence can scarcely be explained by any hypothesis other than death. For the man loved his wife, and he loved his children. As for his wife, he had lived in harmony with her; and he also demonstrated his love for her from a distant land, both through the letters mentioned above and through the power of attorney, by which he granted her the power to dispose of all of his property. Can it therefore be supposed that he suddenly and completely renounced such tender love for his wife and children, and abandoned all thought and care for them? The presumptions seem to approach certainty when we consider that Titus, in his last letter to his wife, had promised her that he would soon return to her. In that letter, already cited above, he said: "I will not remain in America; I will soon come to you; nor in America..."

[*Latin ed. p. 479*]

"S. C. de disciplina Sacramentorum 479: omnia quae splendent aurum sunt." Therefore, the husband announces to his wife his imminent return, to which he was not only drawn by love for his family, but was also, as it were, compelled by fortune in Aversa. Is it therefore likely that he suddenly changed his firm intention of returning, and remained for 21 years (1894-1915) in this harsh exile? And if – which indeed seems unlikely – he truly changed his intention, would he not have announced this change of will through a subsequent letter to his wife? Would he have left her and his children for more than twenty years in this most cruel torment of uncertainty? With these arguments, the reputation, or common opinion, of the man's death adds not a small weight: indeed, as testified by the parish priest, the inhabitants of that place, "all believe that Titus is truly dead." Having carefully considered all of this, the Eminent and Reverend Fathers, in a general meeting held on June 25, 1915, regarding the question: "Is it permissible for a woman to enter into another marriage in this case?", decided that the answer should be: "Affirmative." f ALOISIUS GAPOTOSTI, Bishop of Thermen, Secretary.

S. CONGREGATIO CONCILII DUBIA CIRCA TRIUM MISSARUM CEL-

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EBRATIONEM IN DIE SOLEMNIS COMMEMORATIONIS OMNIUM FIDELIUM DEFUNCTORUM.

• Since in the Apostolic Constitution *Incruentum altaris*, dated August 10 of this year, under number 1, the following permission was given "to all priests in the Church," that on the day when the Solemn Commemoration of all the faithful departed is celebrated, they may celebrate three Masses; however, with the condition that they may apply one of the three Masses as they wish and receive a stipend; they are, however, obligated, without receiving any stipend, to apply the second Mass for the suffrage of all the faithful departed, and the third according to their own intention.

[*Latin ed. p. 480*]

480 Acta, Apostolicae Sedis - Official Commentary « Of the Supreme Pontiff, as We have sufficiently and abundantly declared », the solution to the following questions was requested by the Sacred Congregation of the Council, namely: I. According to the aforementioned Constitution, on the Solemn Commemoration of all the Faithful Departed, can Priests apply one of the three Masses, whichever they prefer, and receive a stipend from it, or only the first exclusively? II. For the single Mass which Priests are permitted to apply to and receive a stipend from on that day, can they demand a larger alms, or must they be content with the alms established by the synodal constitution, or by local custom? III. Can a Priest receive something for the other two Masses, which he celebrates on that day for all the faithful departed and according to the will of the Pontiff, in consideration of labor, or of external inconvenience, for example, if he must celebrate them for the benefit of others at an hour or place sufficiently inconvenient, such as at dawn or around midday, in a rural church or chapel, or in a cemetery? Or can he receive anything under this title? IV. Can a Priest, even without any motive of profit, apply the other two Masses on that day to his own intention and receive a stipend, and apply, either by himself or through another, two Masses on subsequent days, one for the faithful departed, the other according to the will of the Pontiff? And, to the contrary: V. Can the Bishop impose the penalty of suspension, even latae sententiae, and the withholding of his stipend, on those who act in this manner? The Sacred Congregation of the Council, having considered the questions proposed, responded as follows: To I. Affirmative to the first part, negative to the second. To II. Negative to the first part; affirmative to the second, except in the case of a voluntary offering, which is prohibited not only by request, but also by any suggestion that a larger alms should be offered by the faithful. To III. Negative to the first part, affirmative to the second. To IV. Negative. To V. Affirmative. Given in Rome, on the 15th of October, 1915. F. CARD.

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CASSETTA, Prefect. L. © S. O. Giorgi, Secretary.

[*Latin ed. p. 481*]

The Sacred Roman Rota of SALUTIARUM JURISDICTION, under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 5th of July, 1915, the Most Reverend Fathers, William Sebastiani, Dean, and Peter Bossetti and Raphael Ghimenti, Auditors on duty, in the case of SALUTIARUM - JURISDICTION, between the Reverend Chapter of the Cathedral of SALUTIARUM, represented by its legitimate procurator, Vincent Sacconi, advocate, and the Reverend James Conte, archpriest canon, represented by its legitimate procurator, Hadrian Aloisi-Masella, advocate, in the appeal presented by the aforementioned Reverend James Conte against the sentence of this Rota of the 1st of July, 1913, rendered the following definitive sentence. Whereas, the Apostolic Legate of the Holy Roman Church, Cardinal Dominic Delia Rovere, Bishop of Taurinensis, on the 12th of February, 1483, by the bull *Per immaculata*, erected the parochial church of Saint Mary, now called Salutiis, into a collegiate church, which later, Pope Julius II, in the year 1511, raised into a cathedral, with all rights, honors, and privileges, with which other cathedrals of the Church enjoy, either by law or by custom. Moreover, since the Apostolic Legate demanded that the fourth chapter dignity, that is, the archpriest, take care of souls, frequent questions have arisen between him and the chapter, which Pope Pius X, of blessed memory, in the year 1910, ordered to be examined by this Sacred Rota. Twice the case was dismissed, but with a contrary outcome: on the 2nd of September, 1911, a sentence entirely favorable to the archpriest was issued; however, the Fathers of the second turn, considering that an appeal had been interposed, on the 1st of July, 1913, judged it necessary to depart from the previous decisions. Hence, on the third occasion, with the Reverend archpriest appealing to the Holy Office, the controversy is presented to be discussed and decided upon, under the customary formula of doubt: Whether the sentence of the 1st of July, 1913, should be confirmed or annulled in this case? It is not one matter of controversy, as is evident from the five doubts agreed upon at the beginning of the lawsuit, concerning which we shall briefly proceed individually.

[*Latin ed. p. 482*]

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Concerning the first doubt: Whether, and under what conditions, the habitual care of souls pertains to the chapter, or rather to the archpriest in a collegiate church? For the resolution of the doubt, the Fathers considered that, regularly, when a parochial church is erected into a collegiate church, the care of souls, at least habitually, passes by common law to the chapter. Regarding the case of Pignatelli: "It must be held that such care, at least

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habitually, and that the title thereof resides with the chapter, while the actual exercise thereof resides with the archpriest. This is proven first from the very erection of the parochial church into a collegiate church" (Consul. 169, n. 9, 13, vol. IX). "It does not matter that in this case the term 'archpriest' is used, as if referring to the head of the college: for the cited author, in consultation 150 of the same volume, poses the question: 'Whether in collegiate churches, and also in those with a curate, the care of souls belongs to the canons and the chapter, or to the first dignity or another?' And he answers: 'It belongs to the canons and the chapter in this matter without much doubt... For the common law assists the chapter. Indeed, precisely because the church 'is a collegiate church,' such care pertains by law to the chapter... 'not attending that the exercise, or administration, of the care is demanded of a perpetual vicar, or another dignity. For the habitual care is not taken away from the chapter.' And below, n. 5: 'For it is a rule that the care annexed to the collegiate church pertains habitually to the same, and actually to the person who is placed in charge of its exercise.'" The same is stated by Pitonius (in Discuss. 45, p. II, Discip. eccles.): "The Rota, before Cerro, in decision 450, n. %, reconciles both opinions by distinguishing: that where we are speaking of a cathedral church, then the total care pertains to the archpriest, according to decision 480 before Merlino; otherwise, where we are speaking of a collegiate church, in which the habitual care pertains by law to the chapter, and only the actual care is exercised by the archpriest." It was stated above that, regularly: "For having explained the doctrine, as Pallottini writes to v. Capitulum, he does not claim a place 'where the Supreme Pontiff, in establishing a college, did not in any way intend to transfer the parochial right and title to himself, but to another person, as if substituted in the place of the former rector of the parochial church: in this case, the habitual care of souls does not reside with the chapter; but with he to whom the parochial ministry has been entrusted, he exercises it by his own right, independently of the chapter.'" Therefore, in the first place, the document of erection must be examined. If from it the matter is not clearly evident, recourse must be had to conjectures, presumptions, aids, etc., according to the commonly accepted rule and admitted by the parties in dispute. I. In the bulla of erection of the collegiate church of Salutiarum, the following is read: "Prae-"

[*Latin ed. p. 483*]

S. Romana Rota 483: « We erect a parochial church into a collegiate church with a new chapter... and in it, a deanery, which shall be the principal dignity therein... nor do We erect and establish an archdeaconry, a praepositura, an archpresbyterate, to which the care of souls is assigned...». Therefore, the Apostolic Legate did not establish a college of canons in the parish of Salutiarum, but rather erected the parish itself into a collegiate church; consequently, the entire parochial entity, with its rights, titles,

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and goods, became a collegiate entity. Furthermore, the office held by the archpresbyter does not diminish the care of souls. Indeed, these two things can coexist, with the care pertaining to the chapter in terms of right and ownership, and to the archpresbyter in terms of exercise. In other words, the expression "to which the care of souls is assigned" does not detract from the common right previously stated, but rather indicates that the actual care pertains to the archpresbyter, while the habitual care remains with the chapter. This is evident if one considers that, before and after the Council of Trident, the term "care of souls" refers to actual care, not habitual care. a) Barbosa teaches this with the following words: "The term 'care of souls' properly refers to actual care, and not to habitual care, as was held in the terms of Capra (1465), commun. 9, no. 78, and it was said in Vicen. - Prioratus, June 9, 1606, before Manzanedo (On the meaning of appellative words, appell. 65)"; b) The Rota has consistently held this view, as in recent decisions: dec. 316, no. 9, Part. IV; dec. 445, no. 9, Part. V; and dec. 204, Part. XI, in which it is stated: "Finally, it does not matter that the same archpresbyter was provided for in the Apostolic Letters (Eugenius IV, 1436, and Leo X, 1519) with the assertion that the care of souls is assigned to him, because this must be understood as referring to actual care, while the habitual care always remains with the chapter"; c) The Sacred Congregation of the Council affirmed this in the Lauden. - On the rights and emoluments of parochial churches, March 24, 1858: "The expression does not preclude that the care of souls pertains to the praepositura; for when it is said that the care of souls pertains to him, this must be understood as referring to actual care, while the habitual care always remains with the chapter." Therefore, Doctors, when speaking of the parish priest of a collegiate church, to whom the habitual care also belongs, do not use the words "care of souls" in a pure and simple sense, but rather write that the entire care of souls pertains to him. Therefore, considering the bull of erection of the collegiate church of Salutiarum, it is not clear that the Apostolic Legate derogated from the common right; which is more evident from conjectures, presumptions, and other additions. II. In reality: 1. In the aforementioned bull of erection, all revenues, fruits, and proceeds of the parish are mentioned, with a declaration of the annual value.

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis - Official Commentary I. They were endowed to the collegiate church, and this established a law that, after deducting one hundred florins for the dean, the remaining revenues would be distributed in equal portions among the canons, including the archpriest, who was therefore placed in the same rank as the other members of the chapter. Furthermore, the revenues of the parish consisted of real estate, tithes, and emoluments known as "stola bianca e nera" (white and black vestments),

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and the documents, which are found in the records, clearly show: a) that the chapter had possessed all the property of the parish from the year 1486 until the present time, and that it had administered these assets as belonging to the chapter's fund; b) that the chapter, from its very origin and by virtue of the parish title, had exercised the right to collect tithes for four centuries, but had also claimed a portion of the territory of Saluzzo against the chapter of Turin, and in which case the archpriest would be summoned to court; c) that the chapter, from the time the collegiate church was established, had received all emoluments through a canon appointed for that purpose, and that these emoluments had been distributed among the canons in equal measure, except for the archpriest, who received an uncertain sum from the fees for baptisms and marriages, amounting to approximately three hundred livres annually. 2. In the *bulla Per immaculata*, the chapter is granted the power to present a suitable person for appointment to the archpriestship when the position becomes vacant. This right was held by the collegiate canons for three centuries, i.e., from the establishment of the chapter until the year 1744. It does not present a difficulty that from this year onward, the archpriestship has customarily been conferred through a competition. For this is because: a) it does not detract from the constitution of the benefice; b) it is certain that the chapter, upon hearing of the announcement of the competition, would have been considered by the Bishop to be infringing upon its own rights. 3. The Bishops of Saluzzo were accustomed to inquire about the opinions of the chapter regarding matters pertaining to the parish, rather than the archpriest, and to grant compensation to the chapter in two divisions of the parish carried out in the years 1840 and 1908. It is also established that the municipality negotiated matters concerning the parish solely with the chapter. Finally, it is established, among other things, that the chapter fiercely defended the integrity of the parish: it bore and continues to bear the parochial expenses, and it also provides the archpriest with alms for the celebration of Masses for the people, and provides the preacher with a stipend for the preaching of the word of God. Having reviewed the rights, prerogatives, and obligations of the chapter, which are proper to the principal rector, who has habitual care, it seemed to the Most Reverend Fathers to merely indicate, so as not to appear to be repeating unnecessarily, what has been thoroughly, eruditely, and conclusively presented in the judgment under appeal.

[*Latin ed. p. 485*]

The Fathers wished to confirm that the habitual care resided in the chapter of Salutiarum, based on an agreement initiated by the chapter between the first archpriest, Bartholomew Vacca, and his successor and brother, Anthony Vacca, of which mention is made in the chapter deliberations of December 14, 1493. Through this agreement, or transaction, the archpriest

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relinquished the office of care of souls to the chapter. Indeed, if the archpriest had held the entire care, both actual and habitual, the relinquishment should have been made to the Bishop, not to the chapter. Nor can it be said that the relinquishment was truly made to the Supreme Pontiff, whose approval was awaited. For, from the chapter deliberation, it appears that the archpriest relinquished the care from this time forward, exonerating his own conscience, and burdening the conscience of the chapter. It is also unheard of for a parish priest, independent of the chapter, to be able to exempt himself from the burden of care and to transfer that burden to the chapter. The matter is best explained if we admit that the archpriest was a vicar of the chapter, and that, as such, he relinquished this care of souls to it. However, the approval of the Supreme Pontiff was required, because the resigning party wished to retain the dignity of archpriest without care.

5. The matter would be settled concerning the first doubt, unless the most recent patron of the archpriest had introduced a new argument drawn from the formulas used in the Apostolic Registry for the granting of benefices. However, it must first be noted that the formula used in the granting of the archpriestship of Salutiarum is found to be used in the provisions for other vacant archpriestships in cathedrals, in which it is certain that the care pertains only to the actual care of the archpriest. Thus, in the granting of archpriestships of larger churches in Romana, Gaudisiensis, and Laudensis. It is therefore to be wondered that the formula used by the Apostolic Registry in the provision of the archpriestship of Salutiarum differs from the formula used in the granting of canonries of the same church. Indeed, since the archpriest is burdened with the actual care of souls, it is fitting that mention is made of this care in the formula. However, since the individual canons are not burdened with habitual care, because this adheres to the entire college, it is rightly and justly omitted in the granting of the canonries of each individual, any mention of habitual care. Finally, the formula of presentation, which is usually used in the consistory when new Bishops of Salutiarum are presented, favors the chapter rather than the archpriest: because, since the archpriest is granted only the exercise of care, it implies that the habitual care belongs to the chapter. This is not asserted sophistically, as the archpriest's patron claims. For, from other formulas presented for comparison, it is shown that the matter must indeed be understood in this way. Thus, in...

[*Latin ed. p. 486*]

486 Acta Apostolicae Sedis - Official Commentary: The Lucensi formula, with the words "quam presbyter custos..." ("which the priest, as custodian...") exercises in the archiepiscopal church," clearly indicates that it pertains to an actual care, and not a habitual one. From all of this, the Fathers judged that the first doubt should be answered with: Affirmative

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to the first part; negative to the second. Regarding the second doubt: Does the archpriest, in this case, have the actual care of the entire parish, exclusively and independently of the chapter? It is certain that, upon examining the bull of erection of the parish of Santa Maria into a collegiate church, the archpriest, to whom the entire care of souls is attributed, has the actual care; but it must be considered whether the same can be said, taking into account customary law. Indeed, it is well-known that any human law, including ecclesiastical law, can be abrogated by a contrary custom, provided it is reasonable and legitimately prescribed, chapter end. The doctors unanimously teach that all rights can be prescribed by customs lasting a hundred years, and even more than a hundred years: De Luca, De consuetudine, discourse 2; Pitonius, Disceptationes ecclesiasticae, volume 1, discourse n. 9, n. 13, etc. This holds true, even when dealing with parochial rights that are being prescribed. The rule is that anything that can be obtained through a privilege can also be acquired by a custom lasting more than a hundred years: Fagnanus, in c. 2, De foro competenti. But since it is evident that jurisdiction can be exercised in the penal forum, sacraments can be administered, and, in general, the care of souls can be carried out through a privilege, the same must also be asserted regarding custom. Finally, as all admit, episcopal rights can be prescribed; therefore, there is no reason to deny prescription in parochial rights. Nor can certain decisions of the Sacred Roman Congregations contradict this. For in some cases, the decisions of the Congregations concerned either the prescription of rights that would sever the nerve of ecclesiastical discipline, or it was not a matter of a possession lasting more than a hundred years. Furthermore, the Roman Congregations have decreed in several decisions that parochial rights can be prescribed. Thus, the Sacred Congregation of Councils in Reatina, concerning the right to associate bodies, December 22, 1866; in S. Severi, concerning the right to bury, May 27, 1893; in Fabrianen., February 9, 1732; in Gamerinen., December 18, 1819; and the Sacred Congregation of Bishops and Regulars in Auxitana, July 9, 1891; in Thelesina, concerning parochial rights, August 22, 1901. However, only what is possessed, or quasi-possessed, can be prescribed, without prejudice to the fact that damage may arise to the possessor, and to his successors, as taught by the Sacred Rota in one Roman case, concerning oblations, January 20, 1726: "Even in ecclesiastical acts, a custom, if it causes prejudice, and detriment to divine worship, is fully and most amply..."

[*Latin ed. p. 487*]

The Roman Rota, number 487, states: "To introduce any presumption of a better title, and therefore also of good standing before the ecclesiastical court." The principal parochial rights, which the chapter claims to have held for more than a century, are four, as determined by an inquiry ordered by the Reverend Fathers of the second turn; namely, the right to sing Mass

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in the presence of a corpse, the right to bless houses during the Paschal season, the right to preach, and the right to hear the confessions of the faithful. The aforementioned rights certainly pertain to the chapter of Salutiarum, as demonstrated by the cited judgment, and the archpriest Conte confesses: "Who has ever denied the fact that the canons sang Mass in the presence of a corpse, that they sometimes preached and heard confessions, and that the sacristan priest blessed the houses during the Paschal season? No one, including the archpriest himself. ... The fact of possession was confessed by both parties" (Animadv. triplicationi adiectae, p. 15). However, while confessing this, the archpriest writes inappropriately and not according to the law: "Our case is in the realm of petition, and not in the realm of possession, therefore, testimonial evidence must be considered 'extra causam'." And further: "The other party admitted first the same depositions of the canons, who were the interested party in proving their right. These, it is clear, could not testify against themselves." However, regarding the first point, the Reverend Fathers admit that this case is in the realm of petition, but they do not understand why they cannot admit witnesses to prove prescription, by virtue of which certain parochial rights must be ascribed not to the archpriest, but to the canons. Secondly, it should be noted that not only were the canons questioned, but their testimonies, when added to other depositions, at least have supporting force. Furthermore, the members of a university are not always to be excluded from giving testimony. Let us hear Cardinal De Luca in Part I, On Judgments, discourse XXXII, number 46: "In the case of witnesses from a university, or from a college... the procedure is carried out according to the general rules, with a distinction of the law in dispute, whether it concerns the interest of individuals, or rather of all in the university, so that in the first case they are excluded from testifying, but not in the latter." And yet, even in one case or the other, the limitation of the rule applies, because indeed in the first case the interest is so small, and the witnesses so qualified, that it is entirely improbable that they would want to lie. This is perfectly applicable to our case. The archpriest also attempts to challenge the custom asserted by the canons in other ways. And a) He argues that the chapter cannot prescribe by reason of inability, because the Council of Trent stated that "the canons are not to be appointed to the current care [of a parish]." But inability, with regard to prescription, does not arise from a prohibiting law.

[*Latin ed. p. 488*]

488 Acta Apostolicae Sedis - Commentarium Officiale. a) Allegant quod, si canonicorum praesentia in choro non esset necessaria ad exercendum ius praescriptionis, alii omnes a legibus prohibitivis essent alienati, et ideo contra illas impossibile esset adquirere praescriptionem consuetudinariam, quod est falsum. b) Affermant quod canonici exercerent quaedam iura parochialia non proprie, sed ex delegatione accepta ab archipresbytero.

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Verum haec assertio est omnino gratuita; enim in actis non invenitur documentum ullum, ex quo constet de delegatione facta a archipresbytero ad canonicorum. Immo vero, ex actis contra hoc evincitur. Nam scimus quod, cum canonici, dum chorus perseverat, functiones parochiales agunt, computantur ut praesentes. Est enim regula constans quae hanc fictam praesentiam potest valere, quando officium est inhaerens capitulo vel canonicatui, minime vero quando canonicus agit ex delegatione. Imaginemus archipresbyterum delegantem canonicum ad assistendum alicui matrimonio, et hoc fiat tempore chori; tunc certe absentia notaretur. Denique, cum canonici clare probaverint recensita quattuor iura exercuisse per quattuor saecula circa, diuturna et immemorabilis possessio naturam possessionis facultativae excludit, ut annotat Rota in Colonien, coram Rev. P. V., die 85, n. 8. « Praesumptio facultatis excluditur a multiplicitate actuum « et ex continuata possessione per longum tempus ». c) Observant quod praescriptionem originem habuisse dicitur a transactione anni 1493, de qua supra locuti sumus. Cum autem transactio invalida fuerit ob defectum approbationis pontificiae, dicendum est praescriptionem fundari titulo vitioso, vel saltem aequivoco. Sed prius probandum esset transactionem non fuisse a Sede Apostolica confirmatam. Nam si, ut legitur in sententia coram Sincero, capitulum post transactionem perrexisset in curae animarum exercitio, hoc facit praesumere quod fuerit approbata; alioquin inexplicabile esset silentium tum archipresbyteri, qui posuit clausulam approbationis, tum eius successorum, tum Ordinarii Salutiarum. Deinde, admisso etiam quod transactio non fuerit approbata, ostendendum esset ex illa praecisa transactione ortum fuisse factum exercitii quaedam iurium parochialium ex parte capituli, « potuit enim (ut recte annotatur in sententia appellata, pag. 44) oriri ex aliis causis, sicut quaelibet aliae praescriptiones « contra iura episcoporum, aut parochorum; nec est necesse ut capi« tulum doceret de vera origine, seu titulo suae praescriptionis: haec « enim praescriptio, eo ipso quod est immemorabilis, constituit per « seipsam titulum, et titulum validissimum, imo, ut dictum est, melio« rem titulum de toto mundo ». Unde, ad secundum dubium, Patres responderunt: Archipresbytero competit cura actualis universa, salvis tamen quattuor iuribus.

[*Latin ed. p. 489*]

489 The Roman Rota, having considered the matters previously indicated by the chapter, concerning the unchangeable custom, gave its opinion on the following: Concerning the third question: Whether an archpriest ought to be considered a true parish priest, and whether he can exclusively represent the parish to the chapter? In the bull of erection of the collegiate church of Salutiarum, the archpriest was granted only actual care, as was shown in the response to the first question. He exercises this care in his own name; therefore, we have the first requirement for the essence of a

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parish priest, namely, the right to exercise care in his own name (Bouix, *De rationibus*, chapter V, page 1). But there are also other requirements; for example, that the archpriest exercises his care by obligation, concerning a specific territory and people, bound to him by a reciprocal bond. But a parish priest is understood in a broad sense, not a strict one. This is so true that the one who has habitual care is called the principal parish priest, while the one exercising actual care is called a secondary parish priest, and commonly a vicar, by which name we see the archpriest of Salutiarum mentioned in some documents that are extant in the records. From this, the answer to the second part of the question is clear. For, as a certain entity, a college or university, must be represented by its head, and since it is certain that the principal head of the parish of Salutiarum is the chapter, it is clear that the chapter must represent the parish, not the archpriest. Therefore, regarding the third question, the Fathers responded: To the first part, provision is made in the response to the first question; to the second part, negatively. Concerning the fourth question: To whom, and in what manner, does the governance of a cathedral church pertain, to the chapter or to the archpriest, in this case? It should be noted, with regard to the present question, that in every parish church, two things must be distinguished: those that concern the care of souls, and those that refer to the administration and governance of the church itself. Furthermore, in those churches in which there is one absolute parish priest, who has the entire care, it is certain that both pertain to the parish priest. But in those churches in which there is a distinct actual care, separate from the habitual care, except for those matters that concern the care of souls, which pertain to the actual parish priest, or the vicar, the rest are demanded by the one who has the habitual care, who is the head of the church itself. Therefore, the principal parish priest is concerned with the governance and administration of the church, the right to perform sacred actions therein, the regulation of divine worship according to his own judgment, etc. This has been consistently held by the Sacred Roman Congregations, as can be seen in Einum Gennari's work, *ACTA*, volume VII, no. 17. — 34.

[*Latin ed. p. 490*]

490 Acta Apostolicae Sedis - Official Commentary on Canonical Questions, no. 379. Furthermore, this was a constant practice in the Church of Saluzzo, as noted in the appealed judgment. Therefore, the response of the Fathers to the question is: The administration of the cathedral church belongs to the Chapter. On the fifth question: Does the archpriest have the right to reside in the house adjacent to the cathedral church, and to adapt that house for residential use at his own expense and independently of the Chapter? The Fathers stated that, although the solution to this question does not depend on what has been explained above, nevertheless, in this question as well, the response of the second session should be adopted.

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For the archpriest cannot certainly claim the right to reside in the house adjacent to the cathedral church on the basis of ownership or dominion, since this ownership or dominion belongs to the Chapter, as evidenced by the documents presented in the appealed judgment. Nor can he claim this right on the basis of parochiality. For the laws indeed require that a parish priest reside in the parochial house, if one exists, or within the boundaries of the parish, without, however, infringing on the property of another. After carefully and diligently considering all of this, We, the undersigned Auditors sitting for the tribunal, invoking the name of Christ and keeping God alone before our eyes, decree, declare, and definitively sentence that the judgment of July 1, 1913, is to be confirmed, namely, to the question proposed, we respond: Affirmatively to the first part; negatively to the second, declaring furthermore that the expenses are to be borne by the parties. Thus we pronounce, ordering the local Ordinaries and the ministers of the tribunals to whom it pertains to demand the execution of this our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons and especially chapter 3, session 25 of the Council of Trent, applying the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on July 15, 1915. William Sebastiani, Dean, Ponens, Peter Rossetti, Raphael Chimenti. L. © S. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 491*]

491 Diary of the Roman Curia. DIARY OF THE SECRETARY OF STATE. By means of tickets from the Secretary of State, the Holy Father has deigned to appoint: October 13, 1915. — His Eminence, Cardinal Vincenzo Vannutelli, Protector of the Institute of the Brothers of Christian Instruction of Ploermel, in France. October 18. — His Eminence, Cardinal Diomede Falconio, Protector of the Institute of the Sisters of Mercy, whose motherhouse is in Denver, United States of America. October 20. — His Eminence, Cardinal Gennaro Granito Pignatelli di Beimonte, Protector of the Institute of the Sisters of Divine Charity of Vienna. October 25. — The Reverend Father Generoso Graziosi, S.L., Consultor of the Sacred Congregation of Religious. By Apostolic Briefs, the Holy Father has deigned to appoint: Domestic Prelates of His Holiness: August 31, 1915. — Monsignor Domenico Monaco, archpriest of the cathedral of Lacedonia. October 4. — Monsignor Vincenzo de Gregorio, vicar general of the diocese of Lacedonia. October 12. — Monsignor Cesare Gnudi, parish priest of St. Bartholomew and prior of the College of City Parishes in Bologna. October 16. — Monsignor Giacomo P. O'Farrell, vicar general of the diocese of Richmond. October 22. —

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Monsignor Luigi Maria Astancolle, prior of the Chapter of Todi.

[*Latin ed. p. 492*]

Acts of the Apostolic See - Official Commentary

HONORS

With Brief Apostolical documents, the Holy Father has deigned to confer the following honors:

The Plaque of the Order of Saint Gregory the Great: October 14, 1915. – To Mr. Giacomo Hicks, of London, who had previously been awarded the Cross of the same Order.

The Knighthood of the Order of Saint Gregory the Great, civil class: October 16, 1915. – To Mr. Pietro Cristiano Pio de Louw, of the diocese of Bois-le-Duc.

NECROLOGY

June 7, 1915. – Monsignor Eduardo Kozlowski, titular Bishop of Germe and auxiliary Bishop of the Archbishop of Milwaukee.

August 10. – Monsignor Isidoro Clemente, O.P., titular Bishop of Augila, Apostolic Vicar of Amoi in China.

September 13. – Monsignor Agostino Francesco Baslé, of the Seminary of Foreign Missions of Paris, Bishop of Mysore (India - Asia).

September 18. – Monsignor Giacomo Conaty, Bishop of Monterey-Los Angeles.

September 29. – Monsignor Bernardino Tommaso Clark, of the Capuchin Order, Bishop of Port-Victoria.

October 9. – Monsignor Enrico O'Neill, Bishop of Dromore.

October 16. – Monsignor Riccardo Alfonso Sheehan, Bishop of Waterford and Lismore.

[*Latin ed. p. 493*]

November 30, 1915. Year TU - Vol. VII No. 18. ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. BY HIS OWN MOTION, THE SACRED CONGREGATION "FOR SEMINARIES AND CATHOLIC UNIVERSITIES" IS ESTABLISHED. POPE BENEDICT XV. From the very beginning, seminaries for clerics have been considered of such great benefit to the Church's discipline, that the Fathers of the Council of Trent decreed in Session XXIII, Chapter XVIII, concerning their establishment, and the Sacred Synod, united in this matter, has affirmed that, even if it had done nothing else, it would have greatly benefited the Church, and would have deserved the reward for its common endeavors. Therefore, these sacred institutions, under the guidance of Saint Charles Borromeo, who, upon returning from the Council, devoted himself to this task, and all subsequent bishops, among whom it is necessary to mention B. Barbadicus, a light for the Church of Padua, have found nothing

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more effective in promoting the reform of Christian life than to diligently strive to establish sacred seminaries in their respective dioceses, and to instruct them according to the best laws. The Apostolic See has clearly demonstrated how important this is, not only by the establishment of the Roman seminary, which it has never ceased to foster with the greatest care, but also by the establishment of its own Congregation of Cardinals for the protection of seminaries throughout the world. ACTS, Vol. VII, No. 18. - November 30, 1915. 35.

[*Latin ed. p. 494*]

Acts of the Apostolic See - Official Commentary: That office, although subsequently divided, with a portion assigned to the Sacred Congregation of the Council, and another portion to the Bishops and Regular Canons, nevertheless, the Roman Pontiffs never relinquished the care of the Seminaries; indeed, whether by advising dioceses concerning their legitimate relations, or by approving the statutes of certain religious sodalities, or by addressing bishops coming to Rome according to established custom, they never failed to inquire into the Seminaries and their condition. This was especially true of our predecessor of blessed memory, Pius X, who, in the Constitution "Sapienti Consilio" concerning the organization of the Roman Curia, while establishing that "all matters pertaining to the government, discipline, temporal administration, and studies of the Seminaries" belonged to the Sacred Congregation to which the Supreme Pontiff himself presides, and which is charged with overseeing "those matters which pertain to the government of individual dioceses," that is, the Sacred Consistorial Congregation, nevertheless... However, since the volume of business within this Sacred Congregation had previously increased, and the care of the Seminaries required ever greater attention, We deemed it necessary to devise some new plan for regulating all matters pertaining to them. Indeed, when the new organization of the Roman Curia was being prepared, the idea was considered of establishing a special Sacred Congregation to preside over the Seminaries; this plan, although it was prevented from being carried out, We believe it is fitting to reconsider, not so that the treatment of matters concerning the Seminaries should be separated from and entirely disconnected from the Sacred Consistorial Congregation, since We desire that one Congregation be joined to the other by some connection. Therefore, after mature consideration, and after consulting the opinions of several Cardinals, We, by this apostolic authority, decree and establish the following: I. Let there be a Sacred Congregation specifically for Seminaries, in accordance with the form of the other Congregations of the Roman Curia, and let all matters pertaining to Seminaries belong to it, just as those matters concerning Seminaries previously belonged to the Consistorial Congregation, so that it may mold both the minds and the

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souls of clerics.

[*Latin ed. p. 495*]

Acts of Pope Benedict XV, Second Session. The following matters shall be added to the functions of this Sacred Congregation: the Congregation of Studies; and therefore, this same Congregation shall be called "The Congregation for Seminaries and Universities."

III. The Prefect of this Congregation shall be chosen from among the Most Eminent Cardinals: to whom a secretary and a suitable number of officials shall be assigned to assist him.

IV. He who is appointed Prefect of this Sacred Congregation shall, by virtue of his office, be included among the Cardinals of the Sacred Congregation of the Consistory: and the Secretary shall be included among the Consultors. Conversely, the Cardinal Secretary of the Sacred Congregation of the Consistory shall, by virtue of his office, be automatically included among the Cardinals of the new Congregation, and the Assistant shall be included among the Consultors.

V. Those who are presently numbered among the Cardinals of the Sacred Congregation of Studies shall, by the same right, be considered members of the new Congregation for Seminaries and Universities. To these shall be added Our General Vicar for Spiritual Affairs, during his tenure of office.

VI. The laws concerning diocesan and regional seminaries, which were established by Our predecessor of blessed memory and which have been approved by Us, shall be diligently observed and followed in all their parts, and nothing shall be considered altered in the governance, discipline, and studies of the seminaries. We establish and decree this, notwithstanding any contrary provisions, even those of particular importance.

Given at Rome, near St. Peter's, on the fourth day of November, 1915, in the feast of St. Charles Borromeo, of most illustrious merit in the founding of seminaries for the clergy, in the second year of Our pontificate.

BENEDICT XV, POPE.

[*Latin ed. p. 496*]

496 Acta Apostolicae Sedis - Official Commentary

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES)

DECREE: FACULTY TO APPLY INDULGENCES TO CRUCIFIXES USED IN THE VIA CRUCIS FOR THE BENEFIT OF SOLDIERS, DURING WARTIME.

November 11, 1915.

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Our Most Holy Lord, Pope Benedict, of divine providence, XV, having graciously granted an audience to the Reverend Father, Prefect of the Holy Office, has deigned to grant that all priests, who assist soldiers, whether on land or at sea, providing them with spiritual aid during this ongoing devastation of war, may bless crucifixes made of metal or other solid material, with a single sign of the cross, and thereby apply the indulgences of the pious exercise, commonly called the Via Crucis, to those soldiers who, during the same war, while holding one of the aforementioned crucifixes, devoutly recite five times the prayers "Our Father, Hail Mary, and Glory Be," unless they are able to recite other prayers of a similar nature, as is usually prescribed.

Notwithstanding any contrary provisions.

R. CARD. MERRY DEL VAL, Secretary.

Donatus, Archbishop of Ephesus, Prefect of the Holy Office.

[*Latin ed. p. 497*]

SACRED CONGREGATION OF RITES.

MEDIOLESAN.

CONCERNING THREE MISSES TO BE SAID ON THE DAY OF COMMEMORATION OF ALL THE FAITHFUL DECEASED BY PRIESTS OF THE AMBROSIAN RITE.

Published by the Apostolic Constitution "Incruentum Altaris sacrificium" of the Most Holy Lord Pope Benedict XV, dated August 10, 1915, by which to all priests throughout the Church, on the day on which the Solemn Commemoration of all the faithful deceased is celebrated, the faculty is granted to say three Masses, and following this, the subsequent Decree of the Sacred Congregation of Rites of the City and the World, dated the 11th of the same month and year, Our Lord Cardinal Andrew Perrari, Archbishop of Mediolanensis, with fervent prayers, besought the same Most Holy Lord Pope Benedict XV, that He would deign to extend the aforementioned Decree of the Sacred Congregation to all priests of the Ambrosian rite assigned to the Archdiocese of Mediolanensis, so that the first Mass be that which is found in the Ambrosian Missal for the Commemoration of all the faithful deceased; the second, that which the same Ambrosian Missal assigns for the Anniversary of Several Deceased; and the third, that which is inscribed in the same Ambrosian Missal as the daily Mass for several Deceased. Furthermore, the Sacred Congregation of Rites, by virtue of the special faculties granted to it by the same Most Holy Lord, approves of this, according to the prayers, provided that in each of the aforementioned Masses, the Preface which is assigned in the Ambrosian Missal for the day of the Commemoration of all the faithful deceased is used, and in the Prayers of the second Mass, the words are

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omitted in which we commemorate the anniversary of the day of their passing, or in which today the annual day is celebrated. Contrary decrees notwithstanding.

October 10, 1915.

A. CARD. VICO, Sacred Congregation of Rites, Pro-Prefect.

L. ”S. Alexander Verde, Secretary.

[*Latin ed. p. 498*]

Acts of the Apostolic See - Official Commentary 498. SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS CONCERNING THE ADDITION OF A NEW INVOCATION AT THE END OF THE LAURETAN LITANIES. By order of an audience held on November 16, 1915. Many bishops, on behalf of their clergy and people, humbly presented petitions to the Apostolic See, requesting that it decide whether, in the Lauretan Litanies, after the invocation ”Queen of the Most Holy Rosary, pray for us,” the following should be added: ”Queen of Peace, pray for us,” so that the Christian people, through the intercession of the Most Blessed Virgin, may more easily obtain the desired blessings of peace.

When this matter was presented to His Holiness Pope Benedict XV by divine providence, the Secretary of the Sacred Congregation for Extraordinary Ecclesial Affairs, in accordance with his office, the Most Blessed Father, desiring to fulfill the wishes of these bishops and their people, benignly grants to all Ordinaries the power to permit, for their respective dioceses, that during the recitation of the Lauretan Litanies, as long as the present war lasts, the following be added after the last invocation of the Queen of the Most Holy Rosary: ”Queen of Peace, pray for us.” Notwithstanding any contrary provisions.

Given at Rome, from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above.

Eugenius Pacelli, Secretary.

[*Latin ed. p. 499*]

SACRED ROMAN ROTA, POLICASTRENSE. During the happy reign of Pope Benedict XV, in the first year of his pontificate, on the 6th of July, 1915, the Most Reverend Fathers, Joseph Mori, Prefect, John Prior, and Frederick Cattani, Auditors, in the Policastrense cause – concerning a credit – after hearing the arguments presented by the Reverend Archdeacon Michael Pignataro, who was partially appealing, represented by the legitimate advocate, Advocate Benvignati, and by the Lord Giffone, represented by the legitimate advocate, Advocate Limongelli, pronounced the following definitive sentence.

In the Cathedral Chapter of Policastro, which is charged with the ha-

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bitual and actual care of souls, and which is administered by the canonical Archdeacon, two coadjutors were appointed by Bishop Laudisio in the year 1826, for the more expeditious exercise of this duty, with a salary of 30 ducats for each, which the Archdeacon received annually from a certain fund. Thus it is written in the bull of erection: "60 ducats are to be received each year from the fund commonly called 'Castagnola,' located in the town of Cellarum, which the Archdeacon ceded to two hebdomadarii [chaplains] and assigned for their pious honorarium and sustenance, and gave to them." Within the limits of this parish, the village of Capitello (previously belonging to the parish of Isano in the same diocese) began to be counted from the year 1827, having gradually grown without interruption near Policastro, on the seashore, due to various building constructions. Consequently, one of the coadjutors began to reside near the coadjutorial church, in a house built with the beneficence of King Ferdinand II of both Sicilies, for the spiritual needs of the surrounding people. In the year 1888, the Reverend Blasius Anthony Giffone obtained the office of coadjutor, and he remained in that position until the month of August, 1910, when the village of Capitello, through its division, was elevated to a true parish or vicariate. At the beginning of the year 1900, on the 23rd of January, the parish priest of the Cathedral, Michael Archdeacon Pignataro, resigned, and in the year 1902, he obtained from the government a just supplement of 1056.60 lire.

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis - Commentarium Officiale: 60 ducats, or 255 livres, were assigned to two coadjutors. Scarcely had this sum been recovered when the Reverend Giffone began to press the Curia for the restitution of half of it, namely 127.50 livres, assigned to each of the coadjutors according to the Bishop of Laudisii's decree; and the parish priest of Pignataro came forward to demand the payment of the respective sum relating to the time during which he had performed the duties of coadjutor; and the Curia, on July 20, 1912, admitted the petitioner's request. However, since Giffone had rented a dwelling near the church for 70 livres annually, and had also received an annual payment of 15 livres from a certain ecclesiastical arrangement benefiting the aforementioned church, the judgment stipulated that the archdeacon, in the restitution of the awarded sum, should retain the payments made by the coadjutor for the two previous years, and, in compensation for the expenses incurred in claiming the due supplement, should add to the sum awarded, for eight years from 1903 to 1910, 127.50 livres, "so that the total amount is 1020 livres, from which, deducting 680 livres, the sum of 85 livres received annually by the plaintiff for eight years from 1903 to 1910, the difference of 340 livres remains, which the defendant must return to the plaintiff." Both Pignataro, for the assignment of 127.50 livres, and Giffone, for the decree of deduction, appealed to our

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tribunal. On December 20, 1913, the question was raised anew, with the following doubt: Whether and what sum the Reverend Giffone is due from the archdeacon Pignataro for the performance of his duties as coadjutor in the place of Capitello, in this case? The Fathers of the Holy Office responded: Affirmative: and that the annual sum of 127.50 livres is to be paid from the year 1899 to 1910, saving the archdeacon's right to deduct from the debt the expenses incurred in claiming the due supplement, that portion which, for the measure of the emolument received, amounts to 127.50 livres, which must be borne by the coadjutor Giffone. The procurator of the Reverend Pignataro appealed against this judgment to another Turn. In the meantime, since the matter concerning the established assignment of 127.50 livres in favor of the coadjutor had been settled by two concurring judgments, the appeal was admitted only with regard to whether or not the deduction should be made in the aforementioned assigned payment, which the judgment of the first instance recognized, while the judgment of the Rota rejected it; and, with the consent of the parties, the following question was formulated: Whether the judgment of the Rota of December 20, 1913, concerning the payment of the full sum of 127.50 livres, should be confirmed or annulled in this case; which is now presented for discussion. It must be stated that, in the present controversy, only two points are at issue, namely, the deduction of 70 livres from the rent of the house.

[*Latin ed. p. 501*]

The Roman Rota decreed 501 *tium*, and the amount is 13,25, due to the imposition of a tax by the treasury, commonly called the tax on movable wealth, derived from the Cangiano estate and intended for the benefit of the church of Capitello. Regarding another point, concerning the deduction of the appropriate sum to compensate for the expenses incurred by the archdeacon of Pignataro in obtaining a suitable residence, as decreed by the judgment of the Policastrensis court in the retention of the assignment of two previous years until the year 1903, and as confirmed by the Rotal judgment according to the amount received by Father Giffone, the parties do not disagree in their allegations, and therefore they were notified. With these preliminary remarks for a clearer understanding of the matter, the Fathers of the court briefly noted the following. Regarding the first point, it is beyond dispute that the house in question was built by King Ferdinand II as a charitable act to serve as a residence for the assistant priest of the church of Capitello, to which it is attached. And although the assistant priest's church belongs to the parish of Policastrense, the house for the assistant priest, together with the church, is under the administration of the parish, yet it could, at will, change its purpose from that for which it was originally intended, namely, as a residence for the priest who is to care for souls in said church, depending on the same parish priest. The purpose of this pious building is confirmed by the continuous and peaceful

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occupancy of priests who have lived in it, as testified by the syndic of the town of Hispanorum and four witnesses questioned on this matter, and also by the Policastrensis court itself, which states: "The Reverend Court of Policastro certifies that it is well known that the house attached to the church of Capitello has always been inhabited by priests or assistant priests until 1888," that is, until the arrival of the assistant priest, Father Giffone, who was not excluded from the house by the act of the parish priest, administrator of the parish property; rather, since Assistant Priest Giffone had a more convenient and closer home, if he chose to live there, he could, in the meantime, receive income from the rental of the canonical house, and this was not objected to by the parish priest of Pignataro. Therefore, the property of the house belongs to the parish of Policastrense, or rather, to the cathedral chapter, which has habitual care of souls: and this is stated in the Constitutions of the Chapter: "The church of Capitello is a subsidiary of the cathedral and is therefore subject in all respects to the jurisdiction of the Chapter... no innovation can be made by the one in charge, either in the current material state of the church or in the attached parish house, without the knowledge of the archdeacon, who will consult the Chapter." Nor does the parish ownership of the aforementioned house, as indicated in the land registry as the property of a former assistant priest named Nicholas Arena, constitute an obstacle; for such an inscription, when made,

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis - The official commentary generally pertains only to designating the person who has the obligation before the treasury to pay taxes, without a prior investigation into the title of ownership; therefore, it has no inherent power to prove anything regarding the true ownership of the property, as is also demonstrated by a declaration from the parish priest of Celle Bulgheria, to whose parish five olive mills, commonly called "trappetì," belong, which have been there for approximately 100 years, and yet they are registered in the land registry as belonging to five private families. However, the coadjutor has the right to use the aforementioned house as a place of residence, due to the pious purpose associated with the house. In ancient times, the use of buildings was distinguished from habitation, and he who had the right to habitation could lease it to another, but not he who had only the right to use it. See Voet. ad Pand. lib. 7, tit. 8, n. 6; Maschat., Inst. can., t. 1, lib. % tit. 5, and others; but, as d'Annibale points out in Sum. Theol. Mor., vol. %, § 166: "use of buildings and habitation are the same among us." Therefore, in the case of the priest Giffone, whatever may be the case regarding the alleged distinction, he could at least have leased the coadjutor's house, with the consent of the parish administrator. There is no doubt that such consent was tacitly granted. It was well known to the Chapter and the archdeacon of Pignataro that the aforementioned lease of the house, with the coadjutor receiving the

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income from it, had existed since the beginning of his ministry in 1888, and no opposition was raised by the parish administrator. If this had been the case, the coadjutor could have chosen a residence in the canonical house, so as not to be completely deprived of the benefit of the pious donation, and could have rented his own house to receive the income from the lease. Since no opposition or protest arose from the parish administrator, Giffone legitimately concluded that he had been granted permission to enjoy the lease of the coadjutor's house in order to compensate for the income from the lease of his own house, which he might have been able to receive had the consent not been denied. Even more so, because the relationship between the coadjutor of the place of Capitello and the parish priest of Policastro, or the Cathedral Chapter, was such that certain matters in the coadjutor's church were left to the prior's discretion (such as the provision of church furnishings, repairs, etc., as evidenced by the report of the Curia), and thus the coadjutor could more easily presume that the consent required to lease a house to himself had been tacitly granted. The force of this presumption is also increased by the fact that the archdeacon of Pignataro, in a letter sent to the coadjutor Giffone on July 5, 1900, insisted on his right, in general, to administer the coadjutor's church, and complained about certain negligences of the coadjutor, but said nothing about the house that was leased. The house that is intended for the residence of a Bishop or rector (and the same applies by analogy to a house intended for a coadjutor) "whenever..."

[*Latin ed. p. 503*]

The Roman Rota, case 503, states: "In fact, it serves for the purpose of habitation, and does not contribute to the value [of the property]," as correctly taught by the cited opinion of Cardinal De Luca, on benefices, section 90, number 7, and according to the accepted practice in civil law, which we follow, where a suitable allowance is assigned to Bishops and others holding benefices by the treasury, and no account is taken of the houses in which they reside. Therefore, nothing should be deducted from the allowance assigned on account of expenses incurred from the rental of the canonical house received by the coadjutor. Furthermore, the Fathers [of the Church] stated that, during the time when Father Giffone held the office of coadjutor, with the Archidiaconal parish priest of Pignataro present, he bore several expenses, either for the repair of the church and the coadjutor's house, or for the purchase of sacred furnishings: regarding the former, he claimed to have paid 500 *lire*, and regarding the latter, 800 *lire*. However, he did not report these matters to the parish priest for the purposes of the Constitutions: but since these matters were made known to both the parish priest and the Bishop, and neither raised any objection, there is no reason to doubt tacit approval. Moreover, the fact that the aforementioned improvements existed does not invalidate the complaint of the Bishop that Father Giffone was not diligent in giving an account of them; for this omis-

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sion of the coadjutor only demonstrates negligence, but the expenses were admitted during a subsequent visitation made by a delegate of the Curia, at the request of both Father Giffone and the parish priest of Pignataro. However, the parish priest, and not the coadjutor, was obligated to account for these expenses. Therefore, even if it were conceded that Father Giffone had not made use of the income from the rental of his house, nevertheless, given that the aforementioned expenses were incurred for the benefit of the church and the coadjutor's house, the parish priest of Pignataro could not claim them, due to the principle of equity, which prohibits anyone from profiting from another's loss. Furthermore, the Fathers of the Church could not give any weight to the assertion of the parish priest of Pignataro, namely that the coadjutor, Father Giffone, had obtained a large profit from the rental of the coadjutor's house, namely 3000 *lire*, due to the construction of the railway; for this is not proven, and even if it were proven, it is irrelevant to the matter! For, according to a declaration by the director of the railway works, these [improvements] were completed in the year 1894, or six years before the parish priest of Pignataro began his ministry. Another point of the matter concerns the deduction or imputation of the annual sum of 1500 *lire* in the settlement to be made by Pignataro, who claimed that it was due to him, while Giffone converted it to his own emolument. This *summula*, as already stated, came from a certain ecclesiastical composition from Cangiano, and, according to the Bishop's explanation in his letter to Giffone, it was to be allocated to the benefit of the church of Capitelli, and not to the profit of the chapter or the parish priest of Pignataro; and this intention of Cangiano himself, who paid it, is confirmed by a certain...

[*Latin ed. p. 504*]

Acts of the Apostolic See - Official Commentary 504, concerning the case of Daniel Proto, presented by the Defender of the Archdiocesan Office: "It was not the intention of 'il Cangiano' to make a donation, but rather he showed only the desire that a certain 'part of the sum' be granted to the Church of Capitello for that purpose which the Bishop would assign to it." Therefore, the parish priest cannot claim what is due to him, but he can insist with the Bishop to have it demonstrated that Giffone made the disbursement for the intended purpose. However, Giffone will easily respond by stating that he has annually spent it in purchasing hosts and wine for the celebration of the Masses, and in the purchase or restoration of sacred furnishings, as mentioned above, for the church. Therefore, the parish priest of Pignataro cannot assert any right based on this title for a deduction from the sum to be returned to his former coadjutor, Giffone, in the amount of 1020 livres, for which he was condemned by a double, conforming judgment. Having considered and diligently pondered all of these matters, we, the undersigned Auditors of Tournon, sitting for the tribunal and having only God before our eyes, invoking the name of Christ,

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declare, pronounce, and definitively judge, answering the proposed question: Affirmative to the first part; negative to the second, that is, to confirm the Royal judgment of December 20, 1913: and regarding the judicial expenses, we declare them to be compensated between the parties, and we decree that they are considered as such. Thus we pronounce, ordering the Ordinary authorities of the place and the officials of the tribunals, to whom it pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the Holy Canons and especially Session XXV of the Council of Trent, using the executive and coercive means that they shall judge to be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on July 6, 1915. Joseph Mori, Presiding. John Prior. Frederick Cattani. L. © S. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 505*]

505 Diary of the Roman Curia. DIARY OF THE SECRETARY OF STATE. By means of a note from the Secretary of State, the Holy Father deigned to record: October 21, 1915. — The Most Reverend Cardinal Filippo Giustini, among the Most Eminent Cardinals protectors of the Pontifical Theological Academy. By means of notes from the Secretary of State, the Holy Father deigned to appoint: November 14, 1915. — Monsignor Enrico Gasparri, formerly auditor of the Apostolic Nunciature of Brazil, Apostolic Delegate and Extraordinary Envoy to the Republic of Colombia. — Monsignor Tito Trocchi, formerly a canon of the Lateran Basilica, Apostolic Delegate to Cuba and Puerto Rico. — Monsignor Francesco Cherubini, formerly Under-Secretary of the Sacred Congregation of Religious, Apostolic Delegate and Extraordinary Envoy to the Republic of Haiti. November 19. — The Most Reverend Cardinal Gaetano Bisleti, Protector of the Congregation of the Mother of God. November 21. — The Reverend Count Massimiliano Colacicchi, Noble Guard of His Holiness, Cabinet Courier, to deliver the announcement of the elevation to the Sacred Purple and to present the Cardinal's biretta to the Most Reverend and Reverend Monsignor Andrea Frühwirth, titular Archbishop of Eraclea and Apostolic Nuncio in Bavaria. — The Reverend Don Luigi Goyeneche y de la Puente, Noble Guard of His Holiness, Cabinet Courier, to carry out the same mission to the Most Reverend and Reverend Monsignor Raffaele Scapinelli di Léguigno, titular Archbishop of Laodicea and Apostolic Nuncio in Austria-Hungary. — Monsignor Lorenzo Schioppa, Apostolic Delegate to bring the Cardinal's biretta to the Most Reverend and Reverend Monsignor Andrea Frühwirth, titular Archbishop of Eraclea and Apostolic Nuncio in Bavaria. — Monsignor Giovanni Battista Ogno, Apostolic Delegate to carry out the same mission to the Most Reverend Monsignor Raffaele Scapinelli di Léguigno, titular Archbishop of Laodicea and Apostolic Nuncio in Austria-Hungary. November 24. — The Most Reverend Cardinal Gaetano Bisleti, Protector of

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the Pious Fraternity of the Priests of the Third Secular Order of St. Francis in Boma.

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis - Commentarium Officiale, 25 November 1915. — The Most Reverend Cardinal Vincenzo Vannutelli, Protector of the Religious Sisters of the Trinity of Valencia (France). 29 November. — Monsignor Massimo Massimi, Promoter of Justice in the Tribunal of the Holy Roman Rota, Auditor of the Holy Roman Rota. By Apostolic Briefs, the Holy Father deigned to appoint: Prelates who are voting members of the Sacred Congregation: 10 November 1915. — The Monsignors Anthony Cani, Peter Cisterna, Francis Solieri, Joseph Latini, Joseph Pauca, and Ubaldo Mannucci. Prelates who are referendaries of the Sacred Congregation: 10 November 1915. — The Monsignors Domenico Taccone-Gallucci, titular Archbishop of Constantia, Bernard Colombo, Cesare Cerretti, Sebastian Nicotra, and Joseph Fameli. Apostolic Protonotaries, with the same privileges as those who participate: 29 October 1915. — Monsignor Giovanni Barbosa di Castilho, of the Archdiocese of Marianna. 20 November. — Monsignor Celestino Costeckyi, parish priest and dean in Czernovicz (Bucovina). Domestic Prelates of His Holiness: 5 November 1915. — Monsignor Bonaventura Porta, general vicar of the diocese of Città di Castello. 13 November. — Monsignor Agostino Piaggio, general chaplain of the Argentine Navy. 16 November. — Monsignor Camillo d'atti, pro-general vicar of the diocese of Amelia. 18 November. — Monsignor Thomas Francis Bourke, general vicar of the diocese of Rockhampton. 20 November. — Monsignor Eugenio Huzar, general vicar of the Archdiocese of Leopoli. 21 November. — Monsignor James O'Reilly, of the diocese of Newport. 24 November. — Monsignor Joseph Rataud, parish priest of Our Lady of Victories in Paris. HONORS: By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Pius: 13 November 1915. — To Mr. Doctor Francesco Vittorio Marques Bustillos, provisional president of the Republic of Venezuela.

[*Latin ed. p. 507*]

From the Roman Curia Diary, 507: Concerning the Order of Saint Gregory the Great: November 27, 1915. — To the Most Noble Count Vincenzo Ottorino Gentiloni. The Grand Cross of the Order of Saint Gregory the Great, civil class: November 13, 1915. — To the Most Reverend Doctor Pietro Emanuele Arcava, Minister of the Interior of the Republic of Venezuela. The Grand Cross of the Order of Saint Gregory the Great, military class: November 13, 1915. — To General Ignazio Andrade, Minister of Foreign Affairs of the Republic of Venezuela. The Knighthood of the Order of Saint Gregory the Great, civil class: October 29, 1915. — To

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Mr. Ermanno Bolle, of the Archdiocese of Zagreb. November 14. — To Mr. Antonio de Groot, of the Diocese of Harlem. November 16. — To Mr. Senator Carlo Riou, of the Diocese of Vannes. November 21. — To Mr. Roberto Didier, of the Archdiocese of Paris. November 26. — To Mr. Francesco Pietro Giuseppe Boex, of the Diocese of Bois-le-Duc. — To Mr. Maria Enrico Thierry Count Michel de Pierredon, of the Diocese of Fréjus. The Knighthood of the Order of Saint Sylvester the Pope: November 1915. — To Professor Angelo Chiappetti, of Rome.

HIS HOLINESS'S HOUSEHOLD: By letters from His Excellency Monsignor Maggiordomo, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: August 21, 1915. — Monsignor Nazzareno Mechelli, of the Diocese of Todi. September 13. — Monsignor Ferdinando Ferrari, of the Diocese of Guastalla. — Monsignor Giuseppe canonico Bertazzoni, of the same diocese. September 30. — Monsignor Aniceto Ferrazza, of the Diocese of Marsi. October 2. — Monsignor Antonio Czechowski, of the Archdiocese of Posen. October 6. — Monsignor Guglielmo Rossetti, of the Diocese of Ivrea.

[*Latin ed. p. 508*]

508 Acta Apostolicae Sedis - Commentarium Officiale, 15 October 1915. — Monsignor Anthony Mary Bartolom, canon of the diocese of Nicotera and Tropea. 18 October. — Monsignor Nazareno Saniori, of the diocese of Todi. — Monsignor Ignazio Lamenti, of the same diocese. 21 November. — Monsignor Nicholas Pomati, of the archdiocese of Genoa. Honorary Chaplains in purple vestments of His Holiness: 25 September 1915. — Monsignor Enrico Van Hussen, of the diocese of Bois-le-Duc. 28 September. — Monsignor Felice Gambale, of the diocese of Nusco. 4 October. — Monsignor Candido Ciufta, of the diocese of Frascati. 13 October. — Monsignor Giovanni Sprangers, of the diocese of Bois-le-Duc. 23 October. — Monsignor Luigi Huber, of the diocese of Coira. Secret Honorary Chaplains of His Holiness: 28 September 1915. — Monsignor Hilary Pejrano, of the diocese of Chiavari. — Monsignor Ambrose Grosso, of the same diocese. Supernumerary Secret Chamberlain of Sword and Cape of His Holiness: 4 October 1915. — Count Peter Vincent Vial of S. Agata, of the diocese of Nice. Honorary Chamberlain *extra Urbem* of His Holiness: 14 October 1915. — Monsignor Vincent Santoni, of the diocese of Albano Laziale. NECROLOGY: 29 September 1915. — Monsignor Mose Higuera, titular Bishop of Massimopoli, Dean of the Cathedral Church of Bogota. 1 November. — Monsignor Bonaventure Quintarelli, Bishop of Rieti. 7 November. — Monsignor Giovanni Graziani, Bishop of Todi. — Monsignor Andrea Sarti, Bishop of Pistoia and Prato. 12 November. — Monsignor Giovanni Cuthbert Hedley, Bishop of Newport. 27 November. — The Most Reverend Cardinal Francesco Bauer, Archbishop of Olmütz. 28 November. — Mon-

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signor Nicola Clodoveo Giuseppe Catteau, Bishop of Luçon.

[*Latin ed. p. 509*]

Year VII - Vol. VII, December 9, 1915, No. 19.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

SACRED CONGREGATION.

On December 6, 1915, a secret Consistory was held in the apostolic palace at the Vatican, the acts of which are reported as follows:

I. - ADDRESS OF HIS HOLINESS, POPE BENEDICT XV, AND THE CREATION OF CARDINALS OF THE HOLY ROMAN CHURCH.

VENERABLE BROTHERS:

You know, indeed, what obstacles have hindered your most esteemed College, previously, from convening a Consistory: not that it is permitted for you to frequently see yourselves in this office, now that these impediments have been removed, but because we feared that a longer delay in the administration of the Roman Curia might prove detrimental. We have, in fact, received from many of you, one after another, and from superiors, this very desire; and so that the Roman Pontiff might not, at this time, justly grieve at the loss of such expert advisors and trusted assistants, We, with the greatest eagerness, have...

[*Latin ed. p. 510*]

Acts of the Apostolic See - Official Commentary 510, concerning the sorrow we feel for those men who have taken upon themselves the governance of the Church in this most turbulent age. Indeed, during these sixteen years, such a lamentable mass of ruins has been deplored; although the desires for peace increase in the hearts of the faithful, and peace is sought with so many families; and although we have neglected no duty that might contribute to the promotion of peace and the reconciliation of divisions, this calamitous war still persists on land and sea; while the most miserable Armenian people are brought almost to ruin. And the letters themselves, which we have sent to the warring peoples and their leaders, after the beginning of the war, although they were received with reverence, have not yet produced fruit among those who desired it. For we cannot, while we dwell in this world, which is the kingdom of the peaceful King and Prince of Peace, but be moved day by day by the mercy of so many sons, so

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that we may continually and with greater fervor turn to the most benign God, and with all our hearts implore Him to vanquish this bloody conflict with His virtues. And we strive, as far as in us lies, to alleviate this evil with suitable remedies, and we now once again urge the proposed reconciliation, which may extinguish the fire of this war. For in order that that peace may be prepared, which the entire race of nations so greatly desires, and which shall be just and stable, and not one that seems to benefit only one side, it certainly has a chance of a happy outcome, as has been proven in similar circumstances and conditions, as we have demonstrated in those letters which we have written. For, after consultations, whether in person or through interpreters, and after the desires and proposals of each side have been freely and clearly presented, with willing hearts and a sincere sense of duty, it is certainly possible that, if those things which are not in accordance with justice, which exceed all bounds, are removed, and if the rest is settled fairly, even by agreement, then...

[*Latin ed. p. 511*]

511 The acts of Pope Benedict XV require, for their proper understanding, certain considerations. It is evident that, in any dispute between men which they wish to resolve through judgment, it is necessary for both parties to the disagreement to relinquish certain proposals or to concede something, so that some benefit may be derived; and such concessions, or, if they are joined with some action, must be freely given by one party to the other, if they do not wish that what is happening before God and men may bring them harm, so that this most cruel form of warfare, hitherto unheard of, may not be further intensified. For from these circumstances may arise causes why Europe, having attained that most humane level through the aid of the Christian religion, should begin to decline. These matters concerning war involve a great calamity for the people. And if we consider how this universal conflict almost threatens the interests of the Catholic religion and the Apostolic See, it is clear how grave are the dangers, not only to the dignity of the Roman Pontiff, but also to others. Therefore, following the example of Our Predecessors, We implore the Roman Pontiff to be involved in these matters, so that he may fully enjoy that freedom which is absolutely necessary for governing the Church. But, on the other hand, it has become much clearer at this time that the will of the rulers of Italy has not been lacking in seeking to remove these inconveniences; and this very fact clearly shows that the position of the Roman Pontiff depends on civil power, and that this power, subject to the whims of men, can change and even increase. Surely no prudent person would assert that this condition, uncertain and subject to the will of others, is fitting for the Apostolic See. Furthermore, it could not be denied that many other, equally grave, difficulties remained. Let us pass over the others, but it is sufficient to note that some ambassadors of foreign princes have been compelled to withdraw, in order to

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protect their own office and dignity; and thus, the proper, natural, and necessary defense of the Apostolic See has been diminished, namely, the *praesidium* of Somãa.

[*Latin ed. p. 512*]

From the Acts of the Apostolic See – We have observed the official document, and we have also seen the instrument presented to the same Ordinary, which is most suitable for conducting negotiations with foreign states. In this matter, it is most regrettable that events have transpired in such a way that suspicion has arisen in certain quarters, and that, out of necessity, we are involved in disputes concerning matters that pertain to negotiations, and that we are forced to act as if we were imitating those whose voices alone reach our ears! How much more difficult it becomes to conduct business with the Catholic name, and how often we encounter obstacles that we know to be entirely unfounded, and which we would greatly desire to be removed! We seem to have sufficiently indicated, Venerable Brothers, that the sorrow with which we are afflicted grows daily, just as this immense slaughter of men, scarcely worthy of the most savage of ages, increases, and at the same time, the condition of the Apostolic See deteriorates. We do not doubt that you yourselves, as you share with us the cares of the Apostolic office, are also grieved by the same causes; indeed, we believe that the entire Christian people share in our distress. But why should we despair, when the Prince of Pastors, Jesus Christ, has never abandoned His Church, nor has He ever despaired in the face of adverse fortune, but rather has always shown the greatest love for mankind, even in times of affliction? Therefore, let us confidently address the Savior of the human race with prayers, and let us accompany these prayers with works of charity and penance, that, if it please the merciful God, He may bring to an end as soon as possible the troubles that afflict the human race at the present time. But, as we have said and begun, in order to assist your most excellent Order, we have today decided to grant you associates and helpers. We have chosen them from both the clergy; we have selected them from among those who have served with distinction, either in the diocese or in legations sent by foreign princes; and finally, we have chosen those who...

[*Latin ed. p. 513*]

The acts of Pope Benedict XV, number 513, concerning the excellent and praiseworthy endeavors undertaken in youth, which have borne fruit with great benefit for the salvation of souls, and which we are certain are diligently and wisely prepared for the future: these are: JULIUS TONTI, Archbishop titular of Ancira, Apostolic Nuncio in Lusitania; ALFONSUS MARIA MISTRANGELO, Archbishop titular of Florentinum; IOANNES CAGLIERO, Archbishop titular of Sebastiensis, Apostolic Delegate in Cen-

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tral America; ANDREAS FRANCISCUS FRÜHWIRTH, Archbishop titular of Heracliensis, Apostolic Nuncio in Bavaria; RAPHAËL SCAPINELLI DI LÉGUIGNO, Archbishop titular of Laoclicensis, Apostolic Nuncio in the Austro-Hungarian Empire; GEORGIUS GUSMINI, Archbishop of Bononia. What do you think? Therefore, with the authority of Almighty God, of the holy Apostles Peter and Paul, and of Ourselves, We create and proclaim the following Cardinals of the Holy Roman Church: JULIUS TONTI, ALFONSUS MARIA MISTRANGELO, IOANNES CAGLIERO, ANDREAS FRANCISCUS FRÜHWIRTH, RAPHAËL SCAPINELLI DI LÉGUIGNO, GEORGIUS GUSMINI. With the necessary and opportune dispensations, derogations, and clauses. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

[*Latin ed. p. 514*]

514 Acta Apostolicae Sedis - Official Commentary II. - THE OFFICE OF THE CHANCERY OF THE HOLY ROMAN CHURCH. Furthermore, the Most Blessed Father, the Chancellor of the Holy Roman Church, announced the appointment and promotion of His Eminence and Reverend Lord Cardinal OCTAVIUS CAGIANO DE AZEVEDO. III. - OPTIONS AND ASSIGNMENT OF TITLES AND SUBURBAN CHURCHES. Afterwards, the Most Blessed Father, having considered the preferences, assigned: the presbyteral title of Saint Lawrence in Damasus to His Eminence and Reverend Lord Cardinal OCTAVIUS CAGIANO DE AZEVEDO, who relinquished the deaconry of the Holy Martyrs Cosmas and Damian; the presbyteral title and the Church of the Cross in Jerusalem to His Eminence and Reverend Lord Cardinal GULIELMO VAN ROSSUM, who relinquished the deaconry of Saint Caesarius in the Palace; the deaconry of Saint Mary in Portico to His Eminence and Reverend Lord Cardinal AIDANO GASQUET, who relinquished the deaconry of Saint George ad Velabrum. Then, the Holy Lord Our Pope, having previously considered the preferences, appointed the following to the Suburbicarian Cathedral Churches: to the Church of Ostia, His Eminence and Reverend Lord Cardinal VINCENTIUM VANNUTELLI, Dean of the Sacred College of Cardinals, Datary of the Holy See, and Bishop of Praeneste; to the Churches of Oporto and Saint Rufina, His Eminence and Reverend Lord Cardinal ANTONIUM VICO, Pro-Prefect of the Sacred Congregation of Rites, who relinquished the title of Saint Callixtus; to the Church of Albano Laziale, His Eminence and Reverend Lord Cardinal JANUARIUM GRANITELLI PIGNATELLI DI BELMONTE, who relinquished the title of Saint Mary Angelorum in Thermis. IV. - PROVISIONS FOR CHURCHES. In the same Consistory, the Holy Lord Our Pope made provisions for the following churches from his own pastoral care, namely: to the Metropolitan Churches of Trani and Barola, to which the title of Nazareth is attached and the perpetual administration of Vigiliensis, he appointed

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the Reverend Father Ioannem Régine, formerly Bishop of Lamezia Terme; to the titular episcopal church of Flaviopolitan, the Reverend Father Bernardum Pizzorno, formerly Bishop of Crema.

[*Latin ed. p. 515*]

The acts of Pope Benedict XV, number 515, appoint:

To the cathedral church of Pistoria, the Reverend Father Gabriel Vettori, formerly Bishop of Tivoli.

To the cathedral church of Prato, the Reverend Father Aloysius Zaffarami, formerly titular Bishop of the church of Sasim.

To the cathedral church of Crema, the Reverend Father Dalmatius Minoretti, parish priest of the place called "Seregno," in the archdiocese of Milan.

To the cathedral church of Lausanne, to which the title of Geneva is attached, the Reverend Father Placidus Golliard, the general vicar of that diocese.

To the cathedral church of Dijon, the Reverend Father Mauritius Landrieux, parish priest and archpriest of the metropolitan church of Rheims.

To the cathedral church of Oran, the Reverend Father Ludovicus Legasse, apostolic protonotary, formerly prefect apostolic of the islands of Saint Peter and Miquelon.

To the cathedral church of Tournay, the Reverend Father Amadeus Crooij, canon of the metropolitan church of Mechlin, and professor of mystical theology in the seminary.

To the titular episcopal church of Olympi, the Reverend Father Emmanuel Gonzales Garcia, parish priest and archpriest of the place commonly called "Huelva," in the diocese of Hispal, appointed as an auxiliary bishop of Malaca.

Furthermore, by apostolic letters, either sealed with the Fisherman's ring or with the papal seal, the Most Blessed Father publicly announced the appointments of other prelates who had already resigned:

A PATRIARCH: To the Patriarchate of Venice, the Reverend Father Peter La Fontaine, formerly titular Bishop of Charyste, and by the Secretariate of the Holy Rituals.

ARCHBISHOPS:

To the metropolitan church of Saint John in Terra Nova, the Reverend Father Edward Patritius Roche, administrator of that archdiocese.

To the metropolitan church of Salerno, the Reverend Father Charles Gregory Grasso, O.S.B. Cassin, prior observant, and abbot of Montis Virginis.

To the metropolitan church of Chambéry, the Reverend Father Dominic Castellan, formerly Bishop of Digne.

To the titular archiepiscopal church of Nisibeh, the Reverend Father

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Joseph Petrelli, Apostolic Delegate to the Philippine Islands.

To the metropolitan church of Saint Francis in California, the Reverend Father Edmund Hanna, formerly titular Bishop of Titopolis.

[*Latin ed. p. 516*]

5Í6 Acta Apostolicae Sedis - Official Commentary

BISHOPS:

Of the cathedral church of Matanzas, the Reverend Severian Sainz, vicargeneral of Saint Christopher of Havana;

Of the titular bishopric of Danaba, the Reverend Arnold Francis Diepen, canon of the cathedral church of Bois-le-Duc, whom he appointed as coadjutor with the right of succession to the Most Reverend Bishop of Bois-le-Duc;

Of the titular bishopric of Borylis, the Reverend John Baptist Perez, canon of the metropolitan church of Valencia, auxiliary to the Most Reverend and Reverend Lord Cardinal Archbishop of Toledo;

Of the titular bishopric of Sorens, the Reverend Anthony Monestel, parish priest of Saint Anthony of Beten in the diocese of Saint Joseph of Costa Rica, whom he appointed as coadjutor with the right of succession to the Most Reverend Bishop of Comayagua;

Of the titular bishopric of Birtha, the Reverend Emmanuel Vidal et Boullón, apostolic administrator of Ciudad Rodrigo;

Of the titular bishopric of Halicarnassus, the Reverend Thomas Francis Doran, vicargeneral of the diocese of Providence, whom he appointed as auxiliary to the Most Reverend Bishop of Providence;

Of the titular bishopric of Alabanda, the Reverend Joseph Lang, canon of the cathedral church of Agram, whom he appointed as auxiliary to the Most Reverend Archbishop of Agram;

Of the titular bishoprics of Belgrade and Smederevo (of the Greek Rite), the Reverend Dominic Premus, canon of the cathedral church of Agram, whom he appointed as auxiliary to the Most Reverend Archbishop of Agram;

Of the cathedral church of Crato, the Reverend Quirinus Rodríguez de Oliveira et Silva, parish priest in the same city of Crato;

Of the cathedral church of Ilhêus, the Reverend Emmanuel Anthony de Paiva, rector of the seminary of Paraíba;

Of the cathedral church of Saint Aloysius of Cáceres, the Reverend Father Aloysius Mary Gabiret, of the Third Regular Order of Saint Francis, rector of the seminary of Cuiabá;

Of the cathedral church of Ozieri, the Reverend Father Carmel Cesarano, of the Congregation of the Most Holy Redeemer;

Of the cathedral church of Gerona, the Reverend Francis of Paula Mas et

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Oliver, canon of the illustrious church of Barcelona;

Of the cathedral church of Casale Monferrato, the Reverend Father Albin Pella, already bishop of Calven and Tean.

[*Latin ed. p. 517*]

From the Acts of Pope Benedict XV, 517:

To the Cathedral Church of Signana: The Reverend Doctor Angelus Mariam Sinibaldi, formerly titular Bishop of Europa, and suffragan Bishop of Ostia and Veliterna.

To the Cathedral Church of Hildesheim: The Reverend Joseph Ernst, Rector of the Hildesheim Seminary.

To the Cathedral Church of Piacenza: The Reverend Angelus Regueras and Lopez, a Doctor Canon of the Church of Oviedo, and a Doctor in both Civil and Canon Law.

To the titular Bishopric of Hamatha: The Reverend Father Felix Guerra, of the Salesian Congregation, Apostolic Administrator of the Metropolitan Church of Saint James in Cuba.

To the titular Bishopric of Ipsus: The Reverend Father Honoratus Carcaterra, of the Order of the Friars Minor.

To the Cathedral Church of Petrocorix: The Reverend Mauritius Rivière, parish priest of the Church of Saint Mary Magdalene in the city of Paris, and a Doctor of Sacred Theology.

To the Cathedral Church of Augustodunum: The Reverend Desideratus Berthoin, General Vicar of Gratianopolis, and a Doctor of Sacred Theology.

To the Cathedral Church of Bellovacensis: The Reverend Eugenius Stanislaus Le Senne, General Vicar of Vannes.

To the Cathedral Church of Diniensis: The Reverend Leon Adulphus Lenfant, parish priest of Saint Anthony in the city of Paris, and a Doctor in Sacred Theology.

To the Cathedral Church of Ambianensis: The Reverend Andreas Dubois de la Vii lerabel, General Vicar of Briocensis, and a Doctor of Sacred Theology and Canon Law.

To the Cathedral Church of Larinensis: The Reverend Anthony Lippolis, Archpriest and parish priest of the Cathedral Church of Conversana.

To the Cathedral Church of Arianensis: The Reverend Father Cosimus Agostino, formerly Bishop of Laquedonia.

To the titular Bishopric of Tacapitana: The Reverend Father Robert Brindle, formerly Bishop of Nottingham.

To the Cathedral Church of Lacus Salsi: The Reverend Joseph Glass, parish priest of Saint Vincent in the city commonly known as Los Angeles.

To the Cathedral Church of Saint Clodoald: The Reverend Father Joseph

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Busch, already Bishop of Lead.

[*Latin ed. p. 518*]

518 Acta Apostolicae Sedis - Official Commentary II I. - CARDINALS RECENTLY CREATED ARE ADORNED WITH THE RED GALA ROO. On December 9, 1915, a public Consistory was held in the apostolic palace at the Vatican, in which Our Holy Lord adorned the Cardinals, created on the 6th of the same month, with the purple galero: namely, His Eminence Julius Tonti, His Eminence Alphonsus Maria Mistrangelo, His Eminence Ioannes Cagliero, and His Eminence Georgius Gusmini. II. - PETITION FOR THE INTRODUCTION OF THE CAUSE OF BEATIFICATION OF THE VENERABLE JOHN BOSCO. Meanwhile, the consistorial advocate, Charles Santucci, Count, delivered a speech concerning the introduction of the Cause of Beatification and Canonization of the Venerable Servant of God, John Bosco, priest, founder of the Salesian Congregation. When the Reverend Promoter of the Faith requested that the Most Holy Father refer the same cause to the Congregation of Holy Rites, the Supreme Pontiff responded: To Our Congregation of Rites, which shall examine and report. III. - PROVISIONS REGARDING CHURCHES. On the same day, in a secret Consistory, the Most Blessed Father made the following provisions regarding certain churches, namely: He appointed the Reverend Father Joseph Alves de Mattos, formerly the titular Archbishop of Mytilene, as the prefect of the titular archiepiscopal church of Pessinunta; He appointed the Reverend Father John Evangelista De Lima Vidal, formerly the Bishop of Angola and Cunga Féchin, whom I have designated! as Auxiliary to the Patriarch of Lisbon, to the titular archiepiscopal church of Mytilene; He appointed the Reverend Father Alexius Ascalesi, formerly the Bishop of St. Agatha, as the Metropolitan of the church of Benevento; He appointed the Reverend Father Georgius Mundelein, formerly the titular Bishop of Loryma and Auxiliary Bishop of Brooklyn, as the Metropolitan of the church of Chicago; He appointed the Reverend Father Oliverius Eleazar Mathieu, formerly the Bishop of the same diocese, as the pastor of the Cathedral church of Regina, recently erected as a Metropolitan see.

[*Latin ed. p. 519*]

The acts of Pope Benedict XV, number 519: To the Metropolitan Church of Saint Boniface, the Reverend Father Arthur Bêliveau, formerly titular Bishop of Domitianopolis; to the titular Archbishop of Lacedaemonia, the Reverend Titus Trocchi, of the Roman diocese, canon of the Lateran Basilica, doctor of literature, sacred theology, and canon law, he declares the Apostolic Delegate to the Republic of Cuba and Puerto Rico; to the titular Archbishop of Nicosia, the Reverend Francis Cherubini, of the diocese of Horta, under-secretary of the Holy Congregation for Religious Orders, doctor of sacred theology and canon law, he declares the Apostolic Delegate

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to the Republic of Haiti; to the titular Archbishop of Sebastopol, the Reverend Henry Gasparri, of the diocese of Nursia, auditor of the Apostolic Nunciature in Brazil, doctor of sacred theology and both laws, he declares the Apostolic Delegate to the Republic of Colombia; to the newly erected Archbishopric of Winnipeg, the Reverend Alfred Sinnot, secretary of the Apostolic Delegation to Canada; to the Cathedral Church of Buffate, the Reverend Dionysius Dougherty, formerly Bishop of Jaren (Saint Elizabeth in the Philippine Islands); to the Cathedral Church of Beatrix, the Reverend Tranquillus Guarneri, rector of the seminary of Cremona; to the Cathedral Church of Covington, the Reverend Ferdinand Brossert, apostolic administrator of the same diocese; to the Cathedral Church of Portalegre in Lusitania, the Reverend Emmanuel Mendes da Conceição Santos, canon of the cathedral of Égitana, doctor of sacred theology; to the titular Bishopric of Sabrata, the Reverend Martin Kheberich, canon and prelate of the cathedral of Zips, appointed as an auxiliary bishop of the same diocese. Furthermore, by Apostolic Letters, either with the Fisherman's Ring or the Papal Seal, the Most Blessed Father has also made public the resignations of other sacred prelates, namely: ARCHBISHOPS: To the Metropolitan Church of Amalfi, the Reverend Father Herculanus Marini, formerly Bishop of Nursia; to the titular Archbishopric of Seleucia in Isauria, the Reverend Thomas Kennedy, formerly titular Bishop of Adrianople; to the Metropolitan Churches of Gnesen and Posen, the Reverend Edmund Dalbor, canon of the metropolitan church of Posen.

[*Latin ed. p. 520*]

520 Acta Apostolicae Sedis - Official Commentary: The titular archiepiscopal church of Irenopolis in Isauria is assigned to the Most Reverend Father Joseph Ridolfi, formerly the Archbishop of Hydrus; The titular archiepiscopal church of Achrida is assigned to the Most Reverend Father Angelus Maria of St. Teresa, formerly known as Angelus Perez, of the Discalced Carmelites, as Coadjutor with succession to the Most Reverend Archbishop of Verapoli; The titular archiepiscopal church of Cassiope is assigned to the Most Reverend Father Philip Prosper Augouard, already the Bishop of Sinis.

BISHOPS:

The cathedral church of Asculana and Ceriniola is assigned to the Reverend Father John Sodo, parish priest of the metropolitan church of Naples; The cathedral church of Caesena is assigned to the Reverend Father Fabius Berdini, the general vicar of the diocese of Imola; The cathedral church of Bovemis is assigned to the Reverend Father Paul Albera, rector of the metropolitan seminary of Reggio; The titular bishopric of Bari is assigned to the Most Reverend Father Joachim Anthony d'Almeida, already the Bishop of Natal; The titular bishopric of Charystia is assigned to the Reverend Father Gaston Laperrine d'Hautpoul, a priest of Elne

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and an apostolic protonotary; The titular bishopric of Claudiopolis is assigned to the Reverend Father Xistus Sosa, parish priest of Altagracia in the diocese of Calabozo, and a doctor of sacred theology, as the apostolic administrator of Guiana; The titular bishopric of Etalon is assigned to the Most Reverend Father Charles Warren Currier, already the Bishop of Matanzas; The cathedral church of Barra is assigned to the Most Reverend Father Augustus Alvaro de Silva, formerly the Bishop of Floresta; The cathedral church of Senj, with the perpetual administration of the church of Modruš, is assigned to the Reverend Father Joseph Marutic, canon of the cathedral church of Senj and a teacher at the Gospić gymnasium; The cathedral church of El Paso, recently established, is assigned to the Reverend Father Anthony Schüler, S.L., parish priest of the church of the Most Sacred Heart in the city of Denver (Colorado); The cathedral church of Floresta is assigned to the Reverend Father Joseph Lopes de Oliveira, parish priest of Boa Vista in the place commonly called "Recife," in the archdiocese of Olinda, and an apostolic protonotary; The titular bishopric of Themisonia is assigned to the Reverend Father Paul Jedzink, canon of the metropolitan church of Posen, whom the Most Reverend Archbishop of Gnesen and Posen has appointed as an Auxiliary Bishop for the archdiocese of Posen.

[*Latin ed. p. 521*]

The acts of Pope Benedict XV: The titular bishop of the church of Polystylus, the Reverend Anthony Mönch, Doctor of Sacred Theology, whom he appointed as Auxiliary to the Right Reverend Bishop of Treves; the cathedral church of Alatri, the Reverend Michael Izzi, General Vicar of the diocese of Cerinola; the cathedral church of Green Bay, the Reverend Paul Rhode, titular bishop of the church of Barcae and Auxiliary to the Archbishop of Chicago; the titular bishop of the church of Tipasita in the province of Numidia, the Reverend Michael Gallagher, General Vicar of the Bishop of Grand Rapids, whom he appointed as Coadjutor with right of succession to the Right Reverend Bishop of Grand Rapids; the cathedral church of Albano Laziale in America, the Reverend Thomas Cusack, hitherto titular bishop of the church of Themiscyrhae and Auxiliary to the Archbishop of New York; the titular bishop of the church of Phaselis, the Reverend Joseph Candid Pinol and Batres, hitherto Bishop of Granada; the cathedral church of Granada, the Reverend Canuto Reges y Balladares, Dean of the cathedral chapter of Saint-Pol-de-Léón in Central America; the cathedral church of Mutila, the Reverend Roger Bovelli, General Vicar of the diocese of Tudert; the cathedral church of Burgos Saint Domnin, the Reverend Joseph Fabbrucci, parish priest of the place of Strada in the diocese of Fiesole; the cathedral churches of Down and Connor, the Reverend Joseph Mae Rory, Vice-President and Professor of Holy Scripture in the Maynooth College; the cathedral church of Linz,

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the Reverend Johann Gfoellner, Master of Pastoral Theology in the Linz Seminary; the titular bishop of the church of Troas, the Reverend Pacificus Monza, hitherto General Minister of the Order of the Friars Minor and now Apostolic Vicar of Skopje; the cathedral church of Braganza, the Reverend Joseph Lopes Leide de Faria, a priest of the Braga archdiocese; the titular bishop of the church of Abbirit, the Reverend Louis Van Dyck, of the Congregation of the Immaculate Heart of Mary of Scheut, Apostolic Vicar of Southern Mongolia; the titular bishop of the church of Coire, the Reverend Angelus a Casóla Valsenio (in the world, Joseph Poli), of the Order of the Friars Minor Capuchin, Coadjutor with right of succession to the Bishop of Allahabad in Eastern India.

[*Latin ed. p. 522*]

Acts of the Apostolic See - Official Record of the Cathedral Church of Saint Peter and of Fort-de-France, or Martinique, Reverend Father Paul Aloysius Joseph Lequien, a member of the Congregation of the Holy Spirit; of the Cathedral Church of Tin and Micon, Reverend Father Matthew Vido, titular canon and vicariate of the same diocese; of the titular episcopal church of Abdera, Reverend Father Theodore Gordaliza, of the Order of Preachers, appointed coadjutor with succession to the Apostolic Vicar of Tonkin, northern region; of the titular episcopal church of Priene, Reverend Father Francis Löbmann, canon and dean of the chapter of Saint Peter in Bautzen, Apostolic Vicar of Saxony, administrator of the Apostolic Prefecture of Lusatia; of the Cathedral Church of Nicopolis, Reverend Father Damiani, of the Virgin of Dolors, formerly known in the world as John Theelen, a professed priest of the Congregation of the Most Holy Cross and Passion of Our Lord Jesus Christ; of the titular episcopal church of Abritus, Reverend Father John of Vienne, of the Society of Priests of the Mission, Apostolic Vicar of Celio, southern region; of the titular episcopal church of Soli, Reverend Father Leonard Baumbach, who already held the office of Bishop of Nicopolis.

IV. - REQUEST AND GRANTING OF THE SACRED PALLIUM.

Thereafter, the Most Blessed Father granted the sacred Pallium to the following churches: Ostia, Benevento, Trani, and Barolo; Chicago, Adelaide, Saint Boniface, Begijnhof, Winnipeg, and, by special privilege, to the churches of Autun (-Chalon-sur-Saône-Mâcon-Cluny) and Savona. The following churches had previously received the Pallium by a prior papal grant: Venice, Amalfi, Salerno, Saint Francis in California, Saint John of Newfoundland, and Chambéry, Maurienne, and Tarentaise.

V. - TITLES ASSIGNED TO RECENTLY CREATED CARDINALS.

Finally, the Most Blessed Father assigned the following titles: to the Most

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Reverend Tonti, the presbyteral title of Saints Sylvester and Martin at the Baths; to the Most Reverend Mistrangelo, the title of Saint Mary of the Angels at the Baths; to the Most Reverend Cagliari, the title of Saint Bernard at the Baths; to the Most Reverend Gusmini, the title of Saint Susanna.

[*Latin ed. p. 523*]

Acta Benedicti PP. XV 523. AUTHENTIC VERSION OF THE ADDRESS GIVEN BY HIS HOLINESS POPE BENEDICT XV IN A PRIVATE CONSISTORY ON DECEMBER 6, 1915.

Venerable Brothers, You are undoubtedly aware of the difficulties that have prevented Me from convening the Sacred College until now, and if it is now possible for Me to see so many of you again in this noble hall, it is not because those difficulties have ceased, but because We feared that a further delay might harm the good functioning of this Roman Curia. Indeed, there have been many vacancies, both in the past year and in this one, within the Sacred College; and if the loss of such enlightened counselors and such faithful assistants has always caused sorrow to the Roman Pontiff, We have all the more reason to grieve, since We assumed the governance of the Church during this most grave historical period. Certainly, despite the immense ruins that have already accumulated over the course of sixteen months; despite the growing desire for peace and the longing for peace in the tears of so many families; despite the fact that We have employed every means to hasten peace and to resolve the discord, nevertheless, this fatal war still rages on land and sea, while, on the other hand, the utter ruin looms over the poor Armenia. That very Letter, which We addressed to the belligerent peoples and their leaders on the anniversary of the beginning of the war, although it received such reverent reception, did not produce the beneficial effects that were expected. As Vicar on earth of He who is the King of Peace, the Prince of Peace, We cannot but be increasingly moved by the misfortune of so many of Our children, and We continually raise Our suppliant arms to the God of mercies, imploring Him with all Our heart to deign to put an end, with His power, to this bloody conflict. And while We strive, as far as We can, to alleviate its painful consequences with those appropriate measures that are well known to you, We feel impelled by Our Apostolic office to once again impress upon you the only means that can soon lead to the extinction of this immense...

[*Latin ed. p. 524*]

5M Acta Apostolicae Sedis - Official Commentary on the conflagration. To prepare for peace, which is ardently desired by all of humanity, that is, a just, lasting, and not advantageous to only one of the belligerent parties, the path that can truly lead to a happy result is that which has already been tried and found good in similar circumstances, and which we recalled in our aforementioned letter: namely, that in an exchange of ideas, direct

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or indirect, the aspirations of each should finally be clearly and properly presented, with a willing and serene conscience, eliminating the unjust and impossible, and taking into account, with equitable compensation and agreements if necessary, the just and possible. Naturally, as in all human controversies that wish to be resolved by the contending parties themselves, it is absolutely necessary that, on both sides of the belligerents, some concessions be made and some of the hoped-for advantages relinquished; and each should willingly make such concessions, even if they cost some sacrifice, in order not to assume, before God and men, the enormous responsibility for the continuation of a carnage, of which there is no precedent, and which, if prolonged further, could well be for Europe the beginning of a decline from that level of prosperous civilization to which it had been raised by the Christian religion. These are the sentiments of Our mind regarding the war, considered in relation to the peoples who are unfortunately embroiled in it. If we then consider the inconveniences that have resulted from the European conflict for the Catholic cause and for the Apostolic See, everyone sees how grave they are and how damaging to the dignity of the Roman Pontiff. We have already lamented, following in the footsteps of Our Predecessors, that the condition of the Roman Pontiff is such that it does not allow Him to exercise that full freedom that is absolutely necessary for the governance of the Church. But who does not see that this has become even more evident in the present circumstances? Certainly, those who govern Italy did not lack the good intention of eliminating the inconveniences; but this very fact clearly demonstrates that the situation of the Roman Pontiff depends on the civil authorities, and that, with the change of men and circumstances, it too can change, and even worsen. No sensible man can assert that a condition so uncertain and so subject to the will of others is precisely that which is fitting for the Apostolic See. Moreover, it could not be avoided, by the very force of things, that several inconveniences of evident gravity should occur. To mention others, we limit ourselves to observing that some of the ambassadors or ministers, accredited to Us by their Sovereigns, were forced to depart in order to protect their personal dignity and the prerogatives of their office.

[*Latin ed. p. 525*]

The acts of Pope Benedict XV, number 525, indicate that the Holy See suffers a diminution of a proper and inherent right, and a reduction of a necessary guarantee, as well as the deprivation of the ordinary means, and indeed the most suitable means, by which it customarily conducts affairs with foreign governments. And in this regard, we must lament that on neither side of the conflict has there arisen even the suspicion that We, out of necessity of circumstances, in treating matters concerning peoples at war, are now guided and directed solely by the suggestions of those who can make their voices heard to Us. What shall we say of the increasing

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difficulty of communications between Us and the Catholic world, for which it has become so arduous to form that complete and accurate judgment on events, which would be so useful to Us? It seems to Us, Venerable Brothers, that what We have said thus far is sufficient to show you how Our sorrow grows from day to day, both because this slaughter of men grows terribly, scarcely worthy of more barbaric centuries, and because, at the same time, the condition of the Apostolic See worsens. We are certain that you, as you share in the cares and solicitudes which the Apostolic office imposes upon Us, also share this twofold affliction of Ours; indeed, we believe that the entire Christian people echoes Our sorrow. But why should we despair, when the Prince of Shepherds, Christ Jesus, promised that He would never fail to give His assistance to the Church, and even less so in the most difficult and stormy times? Therefore, let our confident prayers ascend to the most beloved Redeemer of the human race, accompanied by works of charity and penance, that He, rich in mercy, may hasten the end of the sufferings in which humanity is today embroiled. But, returning to the subject from which we began, to fill the vacancies that have arisen in the Sacred College, we have decided to appoint to you today men of eminent virtue. We have chosen them in equal number from both the secular and regular clergy; we have chosen them from among those who have either, with approval and success, governed the churches entrusted to them, or have represented the Holy See abroad; others have devoted themselves to the Christian education of youth, or finally, have labored to extend the kingdom of Christ. And we firmly believe that all of them will be of benefit to Us with their diligence and their wisdom for the greater good of the Catholic cause. ACTA, volume VII, number 19. — December 9, 1815. 37

[*Latin ed. p. 526*]

526 Acta Apostolicae Sedis - Official Commentary

SACRED CONGREGATION FOR RITES

DECREE CONCERNING PRAYERS TO BE RECITED AT THE END OF THE MASS

Since a doubt has arisen in certain places and dioceses: Whether the prayers at the end of the Mass prescribed by the Supreme Pontiff Leo XIII are still to be recited, the Sacred Congregation for Rites deemed it necessary to respond: Affirmatively, with the decrees and norms transmitted by the same Sacred Congregation being observed. And thus it decreed, declared, and approved, ordering that it be observed, by the Most Holy Lord, our Pope Benedict XV.

November 24, 1915.

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A. CARD. VICO, S. B. G. Pro-Prefect.

L.ÜBS. Alexander Verde, Secretary.

SACRED APOSTOLIC PENITENTIARY

DECLARATION

The Sacred Apostolic Penitentiary, in order to resolve the doubts and controversies that have arisen among some concerning the faculties granted by the same Sacred Tribunal, during this war, by decrees dated December 18 of the year 1914, and March 11 of this year, with the approval of the Most Holy Lord, our Pope Benedict XV, declares that the aforementioned faculties can only be applied in those territories of the war zone (commonly known as the "zona di guerra") in which it is difficult for the faithful to have recourse to priests approved by the local Ordinaries for the purpose of sacramental confession, and also for priests belonging to the army to approach the same Ordinaries in order to obtain approval for receiving the confessions of those faithful.

Given in Rome, in the Sacred Apostolic Penitentiary, on December 4, 1915.

GULIELMUS CARD. VAN ROSSUM, Penitentiary Major.

I, B S. I. Palica, S. P. Secretary.

[*Latin ed. p. 527*]

In Rome, Allaro, Rome, Middlesbrough, the 527th day. Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the 20th of April, 1915, the Most Reverend Fathers, Doctors John Prior, Aloysius Sincero, and Joseph Mori, acting as judges in the case of Middlesbrough, delivered the following final judgment:

Between Charles Walker, an architect, represented by his legal counsel, Vincent Sacconi, and the Father Prior of the Community of St. John of God at Scorton, along with the Provincial Father of the same Community and the General Procurator of the Order of St. John of God, represented by their legal counsel, Hildebrand Silvestri Faà, the following judgment was delivered.

The Brothers of the religious family founded by St. John of God, who are dedicated to caring for the sick at Scorton, in the diocese of Middlesbrough, had, with the authority of the Provincial Father residing in France, undertaken a project in August of 1908 to expand and almost entirely rebuild the hospital building, which had become too small for the increasing number of patients.

A design for the new hospital, drawn by a certain Brother Alexander, was presented to Charles Walker, the Prior of the Community, so that he might, with his expertise in architecture, carefully consider it and determine the

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cost of the work.

After examination, the architect judged that the work, according to the design submitted to him, could be completed for a minimum of 16,500 pounds sterling, or 412,500 Italian lire.

This matter was reported to the Provincial Father, who considered the design of Brother Alexander to be too extravagant, as Charles Walker informed Father Pacomius Hughes in a letter dated October 25, 1908: "The Prior asks you to be informed that the plan of the Reverend Father Alexander has been judged 'too rich and too grandiose.'"

Then, on October 30, 1908, the architect declared that he would, with good will, prepare another design, which, as far as he could see, would be more appropriate for the purpose (letter of November 10, 1908). After discussions with the Father Prior (letter of November 12, 1908), he prepared a design, only roughly, according to the order of the same Prior (letters of January 31 and February 12, 1909), to...

[*Latin ed. p. 528*]

528 Acta Apostolicae Sedis - The official record indicates that he sent it for consideration by the Superior Provincial, but it was rejected for various reasons (letter of March 1, 1909; Walker's diary, March 3, 1909). The architect, however, did not abandon the project, hoping to produce a certain design that would earn the approval of the Provincial Father (letters of March 2 and 3, 1909), and he proceeded with the work, with the approval of the Prior, provided that, according to the instructions of the Provincial, the design would only be a rough and incomplete outline, until a more definitive concept for the construction of the building was developed (letter of March 12, 1909): "He [the Provincial Superior] also desires that I ask you not to worry too much about your plans, since, in his opinion, a simple outline would suffice, until a definitive concept is reached." In the following month (letter of April 9, 1909), the Prior of the community dissuaded the architect from continuing the work until a definitive decision was reached by the provincial authority. In July, the architect then requested that Father Prior obtain from the Superior Provincial permission for him to proceed with the work (Walker's diary, July 9, 1909); however, as far as can be judged from the records, whether the requested permission was granted or not, Father Prior, on August 11, sent a telegram to the architect instructing him to cease work until he received instructions from the Provincial Father. The architect continued to plead with Father Prior, first in writing (letter of August 11, 1909), and then in person (Walker's diary, August 14), to send the design that he had recently devised and which was now almost completely drawn, to the Provincial, hoping to obtain its approval. Finally, Father Prior agreed, on the condition that, if the design was approved and Charles Walker was entrusted with carrying out the work, he would renounce any honorarium for the expertise he had provided on the

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design of Brother Alexander (Walker's diary, August 14, 1909). However, the design, when submitted to the Provincial Father, was rejected, as was communicated to the architect in a letter from Father Prior dated October 14, 1909. Six months later, while Charles Walker was traveling to Italy for recreation, he seized the opportunity to visit the Provincial Father in Paris and to discuss with him the proposed new hospital at Scorton, at which time he received instructions to draw a new, rough design (Walker's diary, March 16 and 17, 1910), which, upon returning home, he had prepared and presented to the Brothers of Scorton, to be submitted to the President of the Province. At that time, the Superior Provincial ordered that, by the middle of May (letter of May 14, 1910), the architect be instructed to draw a definitive plan according to the initial outline, but with certain alterations made, including a third story added to the incomplete design by another hand (Walker's notes, Summary, no. 101). At the same time, Father Prior warned him.

[*Latin ed. p. 529*]

Saint Bonaventure estimated the total value of the work at £16,000 sterling (400,000 Italian lire). (letter of May 30, 1910). "The Prior requests that I indicate this: if in the past there was talk of spending £16,000 sterling on the proposed constructions, it cannot be the case any longer, because we do not have that sum. All that we desire is a simple and comfortable building." A few days later, the architect intended to present the preliminary designs, with diagrams and descriptions, to the Regional Council in Richmond, to which the location of Scorton belongs, by the middle of July (letter of July 15, 1910), so that nothing would hinder the execution of the work, which was decided upon under a simple condition. A few days later, after the designs were sent to the President of the Province, the Prior, inquiring about the estimated cost of the proposed building (letter of July 26, 1910), the architect replied (letter of July 29, 1910) that the sum required was £18,000 sterling, or 450,000 Italian lire; upon becoming more certain of this, the Prior continued to complain about the excessive expense (letter of July 31, 1910), and he clearly indicated that a new design would be rejected by the Council of the Provincial Congregation. Indeed, at the beginning of September, the architect was informed of the decision of the Provincial, according to which "no new construction proposal of the Order would be accepted by the Superiors that exceeded the sum of £14,000 sterling." Since, on the one hand, the architect saw no way to reduce the cost except by reducing the size of the building (letter of December 10, 1910), and, on the other hand, the Brothers had little confidence in the architect, the Provincial decided not to employ his services any further and asked him to declare the sum due for the work already performed and expenses incurred. The architect requested the sum of £500 sterling (12,500 Italian lire), noting that, if the Brothers did not agree to this sum, he was prepared to submit

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the matter to an expert arbitrator chosen by mutual agreement of both parties. After the arbitration was rejected and after a private consultation with a certain expert, the Provincial offered to pay the sum of £112 sterling. Considering this sum to be quite insufficient for the work performed over a long period, the architect, with the agreement of the Ordinary of Middlesbrough, decided to bring the matter to civil court. However, he encountered not a few difficulties. The Prior of the house of Scorton, with whom he had dealt with the entire matter, and who had also acted as an intermediary between himself and the President of the Order of the Province, had returned to France at the end of his term of office, that is, outside the jurisdiction of the English court, and the new Prior did not want to assume the burden of the debt contracted before the court. Indeed, the Brothers of Scorton and the Provincial Superiors...

[*Latin ed. p. 530*]

530 Acta Apostolicae Sedis - Official Commentary: The authorities refused to allow any person to be designated who would be responsible for the debt contracted in court. Therefore, the architect cited the actual Prior of the Scorton house, along with certain Brothers, who, since they did not possess their own property, petitioned the court of first instance and obtained an order that they be treated as the legal entity of the entire Order of St. John of God. Against this order, the Brothers appealed, and the judges of the second instance determined that the Religious Family of St. John of God was not a legal entity (incorporated society) before English law, and therefore could not be summoned to court, but only individual members of the Order could be cited, to the extent that it pertained to them individually within the entire Order; and although English law provides that certain members of a society, which is not considered a legal entity or moral person, may, by order of the judge, be ordered to defend the rights of others who have not been summoned to court, they must be those who are judged to be able to properly represent the legal person of the other members, which, the judges declared, had not been demonstrated in the case of those actually cited, and therefore they upheld the appeal of the Brothers, rescinding the order of the first judge, and ordering that all expenses of both instances be paid by the architect plaintiff. A few months later, having been informed by ecclesiastical friends of the existence of the Tribunal of the Most Holy Roman Rota, where he could pursue his rights by the grace of the Supreme Pontiff, Charles Walker appealed to the Holy See, and, having obtained a pontifical commission, he instituted proceedings in the first instance before the Most Reverend Order. The General Procurator of the Order of St. John of God, as well as the Prior of the community at Scorton, along with the actor's counsel, jointly agreed to the following question: What sum is due to the architect Charles Walker, both for the work performed, and for expenses, and also for damages resulting from the delayed or omitted

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payment in this case? The Provincial, later summoned to court, had nothing to object to the agreed question. Regarding the law: The question primarily concerns the lease of services. A lease of services is "a contract by which one person promises to provide the use of a certain thing, or services, or a work, to another person for a certain compensation" (D'Annibale, vol. %, no. 485, ed. 3, with common commentary; Reiff., book 3, title 18, no. 2). The services of an architect belong to the type of lease of services, rather than a lease of a work, as is clear from the modern commentaries in Roman law. Thus, Pacchioni (Mit. di diritto commune, page 570): "If it is a lease of services, when one of the parties (called the 'lessor') undertakes to provide a certain amount of work... to the other."

[*Latin ed. p. 531*]

S. Romana Bofa 531 « part (called "conductor"), so that this may be used according to what has been agreed. Instead, there is a contract for a work when one of the parties, whom, using a non-Roman term, we can call the "entrepreneur," obligates himself before the other (who is called in the sources "conductor") and who is moderately called the "client," to perform a certain undertaking that requires a certain amount of work." And Bertolini (Notes on Common Law, page 704): "Both [locatio operarum and locatio operis] involve and presuppose work, the activity of others; but the locatio operarum has as its object the work itself, the services as such (operae), independently of the product or result that derives from it (such as a certain number of days of work from a domestic servant or a worker: the same applies to the services of a doctor, lawyer, architect, etc.); the locatio operis, on the other hand, has as its object precisely the result or product of the work (opus), independently of the work itself (such as the construction of a house, etc.)." Indeed, in Roman law, the term "opera" in a contract of hire or lease signifies a completed physical object (L. 5, § 1, § De verb. signif., 50, 16; Paul. 2, ad edict.). Regarding the hiring of services, Carocino (On Hire and Lease, page 285, conclusion 48) states: "Often the term 'opera' appears in the matter of hire and lease, in whose division there have been various interpretations by ancient and modern jurists; some establish only two species, namely, official and artificial... artificial, which some call 'fabriles,' which are those of a particular art, such as a doctor, painter, and the like." Regarding the amount of compensation, where nothing is expressly stipulated in the agreement, the custom of the place is most important. D'Annibale (op. cit.) says that the compensation "must be certain, either in itself, or in relation to something else, or according to the customs of the region"; and Reiff. (op. cit., n. 109): "When considering the measure of just price, it is necessary to take into account what is commonly done in a particular place, and what is considered just" (arg. 1, On the Price of Things, ff. ad Leg. Falcidiam; Molina et Cárdenas, loc. cit.; D'Annibale, vol. 2, n. 442; Lessius, II, 24, 23; Molina, D. n. 506). Furthermore, the person

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who hires the work is obligated to remit a portion of the compensation proportional to the work omitted or improperly performed, as Reiff. (loc. cit., n. 86) states: "All are obligated by justice, according to the terms of the hire or lease, to faithfully perform the agreed-upon services and labors, so that, in proportion to the work that was omitted or negligently performed (to the extent that it did not reach the level of proper work), they are obligated to remit or restore what has already been received" (Navarrus, Manual, chap. 17, n. 197; Molina, disp. 944, n. 9; Sylvester, v. Locatio, qu. 12; Bonacina, De contract., disp. 3, q. 7, punct. 4, n. 1, and communis aliorum, arg. 1, § 6, ff. h. t. et 1 fin. cap. de condicto ob causam). The reason is clear, because the compensation and the stipendium...

[*Latin ed. p. 532*]

532 Acta Apostolicae Sedis - Commentarium Officiale: Compensation is given for labors and works; consequently, if these are not entirely or not duly performed, they must remit or restore the compensation in proportion to the work omitted or not duly performed (cf. Lessius, De iustitia et iure, book 2, chapter 24, paragraph 30). Regarding the rule for determining the negligence of the person who hired the work, the common opinion of Doctors is that he is liable "for grave fault, and for slight fault, but not for very slight fault, nor for fortuitous circumstances; because the contract is made for the benefit of both parties" (Lessius, De iustitia et iure, book 2, chapter 24, paragraph 30; chapter 6, question 8). Grave fault, according to jurists, is the omission of due diligence, which is what even the negligent usually employ, or, as it is said in L. 223 D. De verb. signif.: "The end of grave fault is not to understand what 'everyone understands'." Also (L. 213, paragraph 1, ibid.): "Slight fault is the omission of 'due diligence, which diligent or good and prudent heads of families usually employ'" (cf. Rota, Turonensis - Solutions coram Many). As for the facts: It is undoubtedly the case that something is owed to the architect, Charles Walker, both for the work performed and for the expenses he incurred, as the Brothers themselves tacitly admitted in the petition made to the architect by the Provincial Father on August 11, 1911, in which he was asked to state the sum due to him for the work performed and for the expenses incurred. "The Provincial Father asked me, etc.... At his request, I must ask you to send us, 'as soon as possible, the amount of everything that is due to you for your 'various sketches, as well as all your travel expenses to date.'" The same tacit admission is found in the sum spontaneously offered by the Provincial Father to extinguish the debt: "The Provincial Father told me to give you L. st. 100 plus L. st. 12, 10, 0, as travel expenses, in accordance with your account" (letter of November 5, 1911). Furthermore, from the letters of the Brothers, it is gathered that mandates were given to the architect to perform his works, and that he accepted a remuneration according to the usual norms, which is sufficient for the validity of a contract, which is

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not required to be initiated with any specific form. Therefore, the question is reduced to determining the amount due to the architect, either for the work performed or for the expenses and damages claimed. And first, we must consider the debt arising from the work performed or the labor completed by the architect. The architect claims a sum of lib. st. 462.10.0 (lib. it. 11,562.50) for the work performed, as a portion of 2 percent of the value of the building for which he prepared complete plans, according to the ninth rule of "Regulations concerning the fees, etc. of architects" from the Royal Institute.

[*Latin ed. p. 533*]

Saint Bonaventure, Book 5, Chapter 33: "Concerning the regulations of the architects, which have been confirmed by the Architectural Association of Northern England." Rule number nine states: "If the architect has entirely designed the approved project, with plans, elevations, and specifications, the remuneration is half of the commission on the estimated cost." And rule number one states: "The usual remuneration for the services of an architect is a commission of 5%) on the total cost of the work executed according to the plans." It is to be noted that in the aforementioned rule number nine, it is a matter of the *definitive* approved plan, namely, the plan which, to the person to whom judgment is to be given, appears to be definitively accepted, according to which the building is to be constructed. Indeed, from the documents, it is not clear that the plan drawn up by Charles Walker was approved, but rather the contrary. It is clear and has been repeatedly stated from the beginning to the end of the business by the Prior and other brothers of the Community at Scorton that the definitive judgment regarding the buildings to be erected does not pertain to them, but to the Provincial, or, which amounts to the same thing, to the Superiors residing in France. Thus, the letter of the Prior of August 24, 1907: "Our Superiors in France have not yet reached any decision regarding the planned building." The letter of Father Alexander, of September 22, 1908: "We are awaiting the definitive response of our Provincial, and as soon as the matter is concluded, I or the Prior will inform you." The letter of the Prior, of April 9, 1909: "The Provincial has not sent the plans, although he has written about it. He desires the kitchen to be placed, etc. ... The location of the kitchen as he desires it will have very great disadvantages. However, as soon as he writes to me if there is something worth bothering you about, I will let you know." In the same letter of August 11, 1909: "I regret to tell you that I believe it is useless to continue the designs until I have consulted with Father Provincial again. I fear that he will not be very satisfied, as you are not taking into account what he desires." Another letter from the Prior, of October 14, 1909: "I deeply regret to have to say that the Reverend Father Provincial cannot approve your latest plan." On November 27, 1909, Father Prior wrote: "I enclose your correspondence. I have received nothing

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definitive from France; things seem to be at a standstill. I fear that it will only be a waste of your time if you come to Scorton now, but as soon as I have any news, I will be pleased to visit you myself in Newcastle." The same is evident from other letters of March 12, 1909 (Summary of Brothers, p. 9), April 8, 1910 (Summary, p. 38), and May 14, 1910 (Summary, p. 39).

[*Latin ed. p. 534*]

534 Acta Apostolicae Sedis - Official Commentary. Charles Walker also clearly understood that the definitive approval of the building design could only come from the Provincial Superior, as is evident from his letters and diaries. He writes, for example, in his diary on October 23, 1909 (Summ., p. 31): "The Provincial, rejecting our latest 'project,' returned to that of Brother Alexandre, and remarked, etc. ... 'had not given a reason, but the Prior thought that the fear that 'our proposal would require a new church was at the root of the refusal.' Nevertheless, the Prior insisted on constructions 'parallel to the road, and in communication, wanting to fight, as 'he said. He awaited the response and in the meantime I could 'do nothing.'" The same is evident from other entries in his diary and from letters he wrote: letter of November 12, 1908 (Summ., p. U); letter of March 2, 1909 (Summ., p. 17); diary entry of March 3, 1909 (Summ., p. 17, 18); letter of March 3, 1909 (Summ., p. 18, 19); letter of March 3, 1909 (Summ., p. 17, 19); letter of March 12, 1909 (Summ., p. 20); letter of August 11, 1909 (Summ., p. 24); diary entry of August 14, 1909 (Summ., p. 25); letter of September 23, 1909 (Summ., p. 29); diary entries of March 16 and 17, 1910 (Summ., p. 34, 35); letter of April 18, 1910 (Summ., p. 37); letter of July 20, 1910 (Summ., p. 50). On September 4, 1910, the architect was first informed of the Provincial Superior's judgment regarding the latest design submitted, namely: "he clearly indicates that 'no plan exceeding the sum of L. st. 14,000 can 'be accepted by the authorities of our Order.'" The design, that is, the one drawn up by Charles Walker, was rejected because of the excessively high cost of the building. However, it is claimed that the design had already been approved in advance on May 14, 1910, in a letter from Father Flaviani Léonard, where it is written: "Now the plans must be executed according to the latest sketches," or at least on June 16, 1910, when the same Father sent a written message: "After careful consideration, we have decided to follow 'your plan, and to have a slate roof everywhere, except on the stairs, and 'the elevator in the wing is, as you yourself proposed. There will 'now be no obstacle preventing you from continuing your 'plans..." This is confirmed in a letter from Father Prior on August 17, 1910, where he says: "I consider your minimum estimate, and I do 'not regret that it is L. st. 18,000, considering the extent of the building, etc., 'on the contrary, I also approve your latest plans." However, it must be assumed that the instructions of the Fathers of Scorton were only made known to the architect by the Provincial, and therefore the Provincial could prudently presume that the Fathers had

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been duly instructed by him. But it is clear that neither the letter of May 14 nor that of June 16 concerned the approval of the definitive design for the buildings, since from both...

[*Latin ed. p. 535*]

On the 5th of May, 1935, this document was not yet finalized. In a letter dated May 14th, it is stated that the drawings were to be prepared according to the final design ("croquis," "sketch"), which at that time had not yet been transmitted from Gallia; and in a letter dated June 16th, the word "plan" is used in the context: "we have decided to follow your plan, and to have a slate roof everywhere," referring, according to the architects, not to the design of the building, but to the intention that the roof of the building should be entirely made of slate, rather than in any other way, a matter which was discussed in previous letters of May 17th, 30th, and 31st. Furthermore, in the same letter of June 16th, it is stated that nothing now prevents the architect from proceeding with the preparation of the drawings, which clearly indicates that they had not yet been completed, and therefore were not yet subject to a final judgment. What the Prior states in a letter of August 17th, 1910, regarding the submission of the design for approval to the Superiors, cannot be dismissed, for while he considers the price of Lira st. 18,000 to be excessive, given the size of the building, he explicitly affirms that the predetermined price completely exceeds the financial resources of the community, which everyone sees as an insurmountable obstacle to the approval of the design, as the Prior himself obscurely indicated in a letter of July 31st, 1910, while also implying that it was not the Prior to whom the approval of the design should be granted, but to the Superiors in Gallia: his words are: "I am saddened to have to tell you that my mind is not at all at peace regarding the approximate cost of the new buildings, which you have sent to me by telegram and letter... Our authorities in Gallia must have something less expensive, before they can come to a decision." - "I also approve your latest plans, but here comes the question: do we have the means to bear the cost of the project? No, we are not prepared to spend more than Lira st. 14,000 on the exterior, and this sum must include all expenses, fees, etc." (letter of August 17th, 1910). Therefore, not out of a changed mind, but with the same sentiment, the Prior writes in a letter of October 10th, 1910: "I would like to draw your attention to a paragraph in your letter, in which you say that your current designs have been approved by me. You are entirely under a false impression. I have never approved any plan. On the contrary, I have always repeated to you that no plan can be sanctioned without the approval of the Provincial, and that no plan would be approved by him which could not be carried out for the sum at his disposal." Since there is no final approval of the designs, there is no basis for the provision of the ninth rule cited regarding the fees of the architects;

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the claim,

[*Latin ed. p. 536*]

536 Acta Apostolicae Sedis - Commentarium Officiale: Therefore, the proposal that the architect should receive compensation in the amount of 2% per annum on the value of the work executed, based on the design he had prepared, is to be rejected as unfounded. If the architect were entitled to compensation for the final approved design, such a sum would also adequately compensate for the preliminary work, which, according to established custom, should have been considered preparatory; but, since such compensation is denied, these preliminary labors must now be independently compensated, inasmuch as they were performed at the mandate of the Brothers; and the extent of these labors is demonstrated by the numerous designs, diagrams, etc., presented to the Tribunal in the records. Regarding the fees due to architects, no specific rule can be derived from the regulations. However, several experts in architecture, who are highly esteemed, having examined the completed designs and the correspondence between the architect and the Brothers of Scorton, have individually expressed their opinion that the compensation requested by Charles Walker for the work performed is justified. These are Arthur B. Plummer, formerly president of the Northern Association of Architects of England; G. Milburn, president of the same Association in the years 1912-1914; J. H. Morton, formerly president of this Association; R. Burns Dick, president of the aforementioned Association in the year 1914; Walton Taylor, president of the aforementioned Association in the years 1903-1904; G. Brown, formerly president of this Association; and H. C. Charlewood. For example, Mr. Milburn writes: "I have examined with the utmost care the 'complex of plans that you prepared for the enlargement of the hospital of St. John of God in Scorton, near Richmond. I have also examined the letters relating to them, and I do not hesitate to say that your fees amounting to £500 are clear and accurate, and in accordance with professional standards, as well as with the fees practiced by the architects of the Royal Institute of British Architects and the Northern Association of Architects." Such declarations by experts are of great importance in our case, since they affirm that the requested compensation is consistent with established custom; for, as stated above, custom in a particular place constitutes the standard for just compensation. However, having heard only one side, they have rendered their judgment, and therefore, it cannot be determined whether the work performed corresponded to the mandate received, or whether the instructions given were diligently followed; for services are only paid for insofar as they are rendered, and the compensation due must be reduced in proportion to any negligence in carrying out the mandate, as explained above. Therefore, taking the sum of £500, after deducting expenses, as a just compensation, according to the opinion of the experts, for the work properly performed,

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we must now determine whether the architect was given a mandate by the Brothers, or whether he...

[*Latin ed. p. 537*]

Saint Bonaventure, in Canon 537, either explicitly or implicitly, considered these very labors to be essential, and whether the architect, in performing the work, neglected the instructions received, so that, through this negligence, something was deducted from the utility of his work. For the lack of at least an implicit mandate, and for the proportion of negligence, whether through grave or slight fault, in fulfilling the instructions, from which damage follows or the utility of the work is diminished, an amount must be deducted, in such a measure as can be morally estimated, from the just quantity of the reward assigned for the work properly performed. The Prior established a categorical condition for the architect with respect to the definitive design in a letter dated May 30, 1910, namely, that the total price for the construction of the building should not exceed L. st. 16,000: the words of the letter, written by Father Flav. Léonard on behalf of the Prior, are: "Now the Prior asks me to indicate this: if in the past there has been 'question of spending L. st. 16,000 on the proposed constructions, 'it can no longer be the case, because we do not have that sum. All we want is a simple 'and comfortable building." Indeed, the price of the work according to the design executed, predetermined by the architect, was L. st. 18,500, as he himself later affirmed, to which the architect's fee, in the proportion of 5 percent of this price, was to be added, according to the rule of the first article on Architects' Fees: that is, L. st. 925. Instead of a price below L. st. 16,000, there is a price of L. st. 19,425, with a substantial difference of L. st. 3425. It has been sufficiently indicated by the Prior that the architect's fee due was included in the price below L. st. 16,000 when he said: "We do not have that sum." But, the defendant's counsel replies, a greater part of this excessive price is due to the third story, which, according to the expertise of Mr. J. Walton Taylor, is estimated at L. st. 2765, and to the underground cells, which were additions made by the Brothers after the mandate was received to draw up the definitive design for the building. It is, however, erroneous to contend that these additions were not included in the original mandate, since the architect knew, or should have known, that these had already been added at the time he received the mandate to draw up a definitive design for the building at a price of L. st. 16,000. For this design was to be drawn up according to the last sketch ("suivant le dernier croquis," letter of May 14, 1910), with the corrections indicated, among which appeared the aforementioned third story and underground cells, as he himself affirms in his sworn declaration of September 26, 1914: "When I sent the drawings (the designs 'completed in preliminary lines), they showed a ground floor and a floor on the east side of the building and in its sanitary wing. When they were returned to me, they showed an

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additional floor in that part and cellars."

[*Latin ed. p. 538*]

538 Acta Apostolicae Sedis - Commentarium Officiale "sub parte del blocco della cucina. Essi portavano delle note con "inchiostro rosso di una scrittura a mano, e note fatte con la matita, "che sembravano apparentemente di un' altra scrittura". Ceteroquin hic modus corrigendi typos rddes iudicatus fuit ab ipso architecto in epistola 12 martii 1909 respectu prioris typi: ait: "Si le Provincial au "ricevuto di questi prossimi piani trova che questi non rispondono a "alle sue idee... vorrà avere la bontà di strappare un po' del disegno e "tracciare rapidamente alcune bozze che mi adopererò di realizzare". Risposta etiam Prioris quaesito architecti de tertia contignatione diei 17 et 22 iunii ostendit non agi de additamento noviter facto: "Le révé"rend P. Prieur mi prega di dirvi... Avete naturalmente presunto "correttamente quanto al numero di piani nell'ala est". Imo patet ex epistola architecti diei 31 maii 1910 eum eo tempore iam intellexisse tertiam contignationem esse adiungendam, in qua scribit: "Il "mi sembra giusto di ricordarvi che credo molto improbabile, se "non addirittura impossibile, di effettuare cambiamenti così radicali, come "l'aggiunta di un terzo piano al blocco est e la sostituzione di un tetto "coperto con acciaio, vulcanite e sabbia e ghiaia al blocco centrale in "una spesa di L. st. 16,000. Vi lo ricordo affinché nessuno "possa pensare neanche per un istante che vi incoraggio, per trovare "colpa quando è troppo tardi per rimediare. È meglio costruire "meno ed essere soddisfatti alla fine, che di più ed essere delusi e avere "debiti". Ex hoc architecti monito concludere debebant Fratres ipsum sollicitum fuisse typum intra limites pretii conventi continere; et cum de duobus additamentis ageretur, de tecto scilicet ex ferro, vulcanite et arena composito, et de tertia contignatione, pro quibus coniunctis "vix possibile" duxit pretium aedificii restringi ad summum Lib. steri. 16,000, quin quantitatem excessus in pretio magis determinate assignaverit, priori addimento Fratres renunciaverunt in epistola 16 iunii 1910, et cum nihil ulterius obiectum fuerit ab architecto, prudenter praesumere potuerunt pretium aedificii cum tertia contignatione summam conventam non esse excessurum. Quod ulterius confirmatur ex admiratione animi P. Prioris, quam, vix certior factus de pretio novi aedificii iuxta aestimationem architecti, continuo expressit in Litteris 31 iulii 1910: "Sono dolente di dovervi "dire che il mio animo non è affatto tranquillo relativamente al costo "approssimativo dei nuovi edifici, che voi mi avete inviato con tele"gramma e lettera. Voi senza dubbio sapete che il primo progetto (di "Fr. Alessandro) fu considerato troppo grandioso, essendone la stima "di L. st. 16,000. Ed ora la vostra stima è di L. st. 18,000".

[*Latin ed. p. 539*]

Saint Roman Boot, 539. It is true that the actor's patron can argue that the

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Brothers, having agreed to an increased price, were planning, according to a letter of June 16, 1910, to erect new buildings in stages, as funds became available. Indeed, Father Flavius Leonard wrote: "Then we will begin to build the kitchen and the east wing, and if, later, there is money available, the central building can also be erected." However, these words do not invalidate the categorical instruction given on May 30 by the Prior, which should be understood in the context of the gradual disbursement of the total sum of 16,000 lire, which may not have been entirely available at the time. In fact, according to the architect, the price of the eastern part of the building was only 10,000 lire: "The cost of your buildings, as they have been designed, would probably be 18,000 lire, and that of the east wing and the kitchens would be 10,000 lire" (letter of July 29, 1910, summary, page 51). Therefore, Father Leonard is speaking of a hypothesis, that after an expenditure of 10,000 lire, some delay might occur before the remaining portion of the predetermined sum (16,000 lire) could be used. Thus, it remains a fact that the contractor did not fully comply with the instructions given, due to the excessive price for the buildings to be erected according to the design, and therefore, the design, although not entirely, but for the most part, proved useless to the Brothers. A matter of lesser importance is that the architect received instructions from the Provincial to prepare the plans at a scale of 1/16, as Walker himself admits in a letter of March 20, 1910, but he drew them at a scale of 1/8 (Walker's letter of April 18, 1910). The Brothers did not feel any significant harm from the larger scale, since the larger plans equally, or even better, served their purpose, but they are not obligated to pay the higher price that usually corresponds to larger plans, since the larger plans were used contrary to the explicit instructions. As for the architect's work on the plan called "Brother Alexander's," and certain alternative proposals, we can learn about the scope of the instructions given by the Brothers, especially from the private diary of Charles Walker, which, as De Luca says (De Iudic, discourse 29, n. 20, 4), proves the writer's point, but in no way harms a third party. It is clear from the diary (November 10, 1908) that the architect exceeded the instructions given through excessive work; he writes: "The Prior referred to the letter from Father Pascome Hughes (namely, October 25, 1908), in which it is written: 'The Prior asks you to be told that the plan of the Reverend Father Alexander was considered too elaborate and too grandiose, telling me of his superior's dissatisfaction with the Brother Alexander's project. And I explained that I only knew that this referred to more than just details such as verandas.'"

[*Latin ed. p. 540*]

540 Acta Apostolicae Sedis - Commentarium Officiale: "To those balconies, which I suspected the Prior himself would disapprove; that "I had believed that the plans for the project of Brother Alexander had been "given

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to me by the Prior in order to work on them so as to bring out the "advantages and disadvantages, which I had done entirely based on the "plans that I had presented." Drawings of this type are described in the architect's letter of November 12, 1908: "Six large drawings to the scale of one-eighth of an inch, being the plans of elevations, and detailed sections of the project of Brother Alexander." The architect has no right to the customary price for such drawings, unless a clear mandate, at least implicit, has been given to him to produce them, since in the letter of October 25, 1908, it is expressly stated that the Prior had judged the type of drawing of Brother Alexander to be too extravagant, and therefore rejected it in practice. The architect, however, did not have a clear mandate, as is evident from the aforementioned diary, for certainly he would have brought this up in a conversation with the Prior, who opposed the rejection of the design proposed by Brother Alexander, which had already been made by the Provincial. The architect's alternative proposals are: "Five holes to a scale "of one-sixteenth, being the alternative suggestions based on the "general ideas of the plan of Brother Alexander and on other ideas that "I understood you wished to see on paper." The architect does not claim to have had a mandate from the Brothers for these roughly executed drawings, but rather made them on his own initiative, as is noted in his diary of November 10, 1908: "I explained... that I had in the meantime researched and submitted "sketches of other proposals, more in line with the modern ideas, "which I submitted, and fully explained, and he (the Prior) "seemed interested." It is certainly the case that the architect owes nothing under strict law for these drawings made on his own initiative, since they were made without any mandate, even implicit, and were not subsequently accepted by the Brothers. It is not surprising that the architect was willing to expose his work to the risk of chance, since he may have considered himself sufficiently compensated by the hope of obtaining a definitive mandate to erect new buildings. However, the architect did receive a mandate from the Prior to develop a certain type of drawing outlined by Brother Alexander, but under the condition "of leaving the drawings in a preliminary state, that is, of not "spending too much time and doing more work than was necessary" (diary of Walker, January 18-19, 1909), and without diagrams showing the vertical aspect of the building. "You asked me not to "prepare the elevations and sections, and said that the roughly "made plans would be sufficient for you" (letter to the Prior of February 12, 1909). These drawings, roughly executed, were five in number, as is evident from the same letter.

[*Latin ed. p. 541*]

541 In the Roman Rota, we learn that, for similar cases, the customary fee is due, as it was stipulated in the agreement; in letters sent by Charles Walker to the Prior on February 12, 1909, he states that he had received such a stipulation, and the Prior offered no objection. After the Provincial

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Father rejected the previously proposed designs, the architect, according to a letter of March 1, 1909, presented new proposals, for which it appears from the records that he had sufficient authorization to create preliminary designs: for the Prior wrote on March 12, 1909: "He [the Provincial Father] also desires that I not be too concerned about 'your plans,' since, in his opinion, a simple outline would suffice, 'until a definitive concept has been reached.'" On April 3, 1909, the Prior again wrote: "I do not see how you could be of any assistance at the moment, at least until a definitive arrangement has been made." However, on July 9, the architect requested that he receive instructions from the Superiors in France so that he could proceed with the designs. The architect noted in his diary on July 13, 1909, that he had received instructions from the Prior to complete the designs. The Prior, however, hesitant and expressing concerns on August 12 (see letter), finally persuaded him on August 14 to allow the designs to be sent to the Provincial Father. In fact, the Prior sent the designs to the Provincial Father, and on October 14, 1909 (see letter), he informed the architect that they had been rejected. Only after insistent, perhaps even importunate, requests from the architect did the Prior relent and agree to the creation of such designs; however, this agreement is equivalent to a mandate, and therefore, there is nothing to prevent the architect from receiving the customary fee for the work performed. The sum requested by the architect for expenses incurred, for travel, and for the survey should be admitted, provided that they were indeed useful and, in some cases, necessary to fulfill the accepted mandate. However, the expenses for the designs submitted to the Regional Council in Richmond were deemed not to be admissible by the Fathers, because, although the Prior obtained the exhibition of these designs, he gave his consent without knowing the substantial defect that almost entirely negated the usefulness of the exhibition, of which the architect should also have informed him: namely, the excessive cost of constructing the building according to the design, which completely prevented the design itself from being approved by the Superiors of the Order. Therefore, the loss is attributable to the architect's fault, and he himself must bear the consequences. However, the loss suffered by the architect cannot be legally claimed from the Religious in a civil court, according to the judgment in Aversa, since they have used their legal right to defend themselves against the excessive claim.

[*Latin ed. p. 542*]

Acts of the Apostolic See - Official Commentary, concerning the work performed by him. Here is Rule 56 of the Code of Canon Law, in Book 6: "The damage which one suffers through his own fault, he ought to impute to himself, and not to others." He could have immediately appealed to the Holy See, rather than attempting to resolve the matter in a civil court, and if he was unaware that this recourse was open to him, that ignorance

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is imputable to him, and not to the Brothers, who were not obligated to point out this path to him. Furthermore, since the payment was delayed beyond the due date, interest on the sum due must be taken into account in the amount to be paid, according to the common doctrine explained by Reiffenst., Book 3, Title 18, paragraph 91: "Those who are entrusted [with a task] are obligated to pay the entire agreed price in due time. All... are also obligated to pay interest and usury if they are culpably delayed in making the payment (l. Praeses, 17, cf. this text); the same applies 'on the day of lost honest profit.'" The Brothers, however, offered a sum that was completely inadequate to extinguish the debt, and they did not wish to increase it in any way, even after considering the judgments of experts of great authority invoked by the architect; therefore, they were culpably delayed in paying the compensation. Considering the architect's entire work, encompassing a single moral evaluation, that is, taking into account either the fault in the mandate or the culpable negligence in its execution, together with the expenses incurred by him, as well as the interest on the sum due from the date it was due, we believe that the sum of three hundred pounds sterling is due to him. The question remains to be resolved: Who is obligated to pay the debt? The following individuals were summoned by the plaintiff to appear before the actual Superior of the Community at Scorton: the Provincial Father and the Procurator of the entire Order of Saint John of God. The Doctors commonly state (in cap. Cum dilecta, 22: De Rescript.) that religious of both sexes cannot appear in court without the permission of their Superior, but rather they must appear at the "monastery." "The reason," says Pirrhing (De Iudic, n. 29, seq.), "is because a religious person is not under his own authority, nor does he have ownership of his goods, but he has transferred all his rights to the Monastery, and is as if dead; therefore, he is equated to a son of the family: nor to a slave, who cannot appear in court without the permission of his father or master (l. Lis. nulla, 22, and l. Vix certis, 53 ff. t. 1., servus, 6, cap. X, cod. c. ult. cf. this text in 6). Therefore, one must appear at the 'monastery.'" Also, Reiff. (De Iudic, n. 18, seq.): "In civil cases, the religious person is not to be summoned, but rather the monastery to which he belongs... The reason is clear, because a monk, or a religious person solemnly professed, has nothing of his own; but whatever he acquires, he acquires for the monastery." Since the monastery benefits when everything acquired by the religious person in any way is transferred to it, it must also bear the burden, according to Rule Qui sentit, of the Code of Canon Law (Sánchez, De Decalog., Book 7, Chapter 31, paragraphs 12 and 13).

[*Latin ed. p. 543*]

(S. Bonaventure, *Doctor Ultimus*, Book 6, chapter 12, paragraph 1, and following; Pichler, *De Ludis*, paragraph 6, and following; Pignatelli, *Consultations*, 33, paragraph 5, volume 9). The monastery, which is the place

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where religious men live, and which has nothing of its own, is the Religious Community or Society, to which they have transferred all their rights, and to which whatever is acquired by them is acquired. If the Community, of which the religious man is a member, is independent, as is the case in the older Orders, for example, the Order of Saint Benedict, the Order of Saint Norbert, etc., it usually happens that the Superior of the Community must be called to judgment, who is the administrator of the goods that belong to the domain of the Community. In other Orders, especially the more recent ones, individual Communities are united into Provinces, which are in turn subject to the Supreme Head of the entire Order. In such Orders, it cannot always be said that whatever a religious man acquires is acquired by the monastery or the particular Community of which he is a member. "In fact," notes Wernz (volume 3, "title 24, note 373), "the principle of law is that whatever a religious man acquires, he acquires for the monastery." This acquisition by the monastery, which is not specially prohibited by law (cf. Pirrhing, *loc. cit.*), originates from the tradition made in the profession itself and is confirmed by the disposition of the law (cf. Pirrhing, *loc. cit.*, volume 27, paragraphs 89, 42; Suarez, *loc. cit.*, book 6, chapter 2, paragraph 8). But now, monasteries are often not completely separate and independent, but are members of a Province, and of a Religious Order, constituted as a universal society, so that the word "monastery," to which the religious man acquires, must be understood according to the constitutions and legitimate customs of the individual religious orders. It can happen that things of only minor importance are acquired for the monasteries; but more valuable goods, according to the order of the Superiors and the rules, may be applied to another subject, for example, the Province or the common fund. The same was taught by Sánchez (In Decalog., book 7, chapter 32, paragraphs 50 and following): "Secondly, it happens that the profession is made in a subordinate sense, which happens in a religion that has one supreme head for the entire religion, and in each Province one supreme head for the entire Province, so that the religious men do not have a certain seat, but are transferred from one monastery to another at the will of the Superior, as happens in the mendicant religions, and today in almost all religions. Thirdly, the profession is made in a special sense, when, namely, although all the religious men are under one head, they are not usually changed from the particular monastery in which they profess... When the profession is made in the second way, it is commonly taught that the religious men do not acquire for the particular monastery in which they have professed, but for the entire Order, and that the General, or this or that monastery, may apply it, and therefore it does not matter in which monastery the acquisition takes place at that time."

[*Latin ed. p. 544*]

5M Acta Apostolicae Sedis - Official Commentary: it is returned [to the

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question], because, since the entire Order bears the burden of this acquisition, the entire Order must also enjoy the benefit, according to the rule. As the Gloss states, in chapter "De Viduis," 1st section, question 1, words 27, "Thus Glossa says..." And this is what Navarrus says, in obscure words, in commentary 2, "n. 5, corollary 4, De Regularib.," where he says that the profession is not obligated to a special monastery, but to the entire Order, or to a part of it, such as a province, to acquire for the entire Order, or for that part... But although common law is considered, it must nevertheless be observed and considered that the statutes of particular religious congregations, approved by the Apostolic See, are to be observed. When, therefore, the profession is made in the third manner, the religious acquires for the monastery in which he professes, as Anthony and the Abbot rightly state. These conclusions are included in De Lugo [De Iust. et Iur., disp. 3, n. 226), where he says: "We have said that the religious acquires not for himself, but for the Religious Order: it must now be seen to whom, or to what community, the acquisition belongs. And in the first place, the constitutions, or customs, of the individual Orders must be observed... In our Society, the religious acquires for the Province and for the house, or college, to which he actually belongs, not as a guest, but as a habitual member." Since, therefore, the religious must answer in court for the monastery to which he belongs, according to the rule "Qui sentit" (De Regul. Iur., n. 6), and the religious can acquire not only for the particular community, but also for the Province and for the entire Order, it follows that the obligation to answer for it in court can also fall upon the Province and the entire Order, as well as the particular community. Furthermore, in declaring these principles of law, there is no contradiction, as the advocate for the actor believes he sees, between the decisions of the Roman Rota in the case of Agrigento, before Sincero and before Many, where in one case the obligation to answer is attributed to the entire Order, while in another it is denied that it can fall upon the particular community, and in the later instance before Many, the obligation is attributed to the community, while it is denied that it can ever extend to the entire Order. What is more relevant to our case is that the particular community, subordinate to the Province, and the Province subordinate to the entire Order, and the entire Order itself, although subordinate to each other, can nevertheless be, and are indeed, legal entities, or moral persons, distinct from each other, with their own assets and their own administration, of which the indication is that certain assets of the religious can be transferred to the community, others to the Province, and still others to the entire Order. "The ownership of assets," says Vermeersch S.J. (De Religiosis Institutis et Pers., n. 432, ed. 1907), "except for the particular regime of the Order of Friars Minor, belongs by common law to the

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religious community; and indeed, in such a way that each house,..."

[*Latin ed. p. 545*]

Saint Bonaventure teaches that "those things which belong to themselves are immediately possessed by those who have the right to them, for their own benefit. However, the administration [of these things] belongs to the Prelate, either alone, or together with the Chapter, according to various constitutions and the circumstances of the case" (cf. De Lugo, *De Institutione et Iure*, 1.3, n. 185). When an Order, Province, or House has distinct goods or rights, it must also have distinct obligations; thus, the Province or Order should not be held responsible for debts contracted by a community within the Province, according to legitimate administration, nor should a particular house or the entire Order be held responsible for the debts of a Province, unless they participated, by counsel, etc., in incurring those debts. As d'Annibale notes (vol. 1, n. 44, ed. 3): "Each moral person, even within the same order and institute, has a separate cause; therefore, their rights and obligations are prohibited from being mixed, even though they are of the same nature, such as two churches in the same town, or two monasteries of the same Order" (Ex 23, *Fideiuss.*, cap. I, *De Beb. Eccles, non alien.*, cap. %, *eod. tit.*, n. 6; Reiff., III, 13, 50). "Furthermore, a moral person has nothing in common with those things of which it consists; therefore, for example, if something is owed to a college, it is not owed by each individual, nor is what each individual owes owed by the college. And if they have committed an injury to another, they must be held accountable in those things which belong to the moral person, not to those which belong to the individuals." Just as the moral person of the Chapter is distinct from the individual canons who constitute it, so too is the moral person of a religious Province distinct from the individual communities that constitute it, and the moral person of the entire Order is distinct from the Provinces and communities subject to it. Neither the Provinces nor the Order have anything in common with the constitutive parts of the moral person, whether Province or Order, even though the Order and Province may have the right, in certain cases, to succeed to the goods of their subordinates, along with the burdens and benefits associated with such goods, as happens in the case of private individuals who, when they are succeeded, have a different legal person. The Community, Province, and Order, respectively, must bear the burdens assumed by administrators in the name of their own administration, as Sánchez notes (De Decalog., lib. 7, cap. 31, num. 9, 10): "A monastery cannot be held liable for a contract made by a monk (or for debts arising from a fault or incurred without a contract) when some administration has been tacitly or expressly entrusted to it, unless it exceeds the limits of that administration, because by that very fact, the power to enter into contracts pertaining to that administration is considered to have been entrusted... If

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a contract is entered into, or a debt is contracted by the monastery with the Prelate, the monastery is obligated to the extent that the Prelate does not exceed the limits of his administration." The obligation does not disappear simply because superiors or administrators change, since the moral person is, by its very nature, perpetual (L. 7., § ult. x).

[*Latin ed. p. 546*]

546 Acta Apostolicae Sedis - Official Commentary, concerning each universal chapter, chapter 19; Suarez, De Legib., VIII, 3, 4), and it is understood that this [obligation] lasts as long as it endures, even if all [circumstances] have changed (D'Ann., 1. c, vol. 45, note 17). The provincial superior, in our case, gave instructions directly and indirectly to the architect Charles Walker, concerning the designs, and that was in the exercise of his office, as is evident from the documents presented: Furthermore, the Prior of the Community at Scorton also participated in the work of the architect, as is clearly evident from the correspondence between him and the architect; and that was in the exercise of his office, as Prior of the Community, provided that it concerned the expansion of the Community's own house, for which nothing is more suitable than for the local superior to provide care and assistance. However, from the documents, it is not clear that the entire Order of St. John of God participated in the work of the architect, but rather the contrary. Therefore, the Provincial Superior and the Prior of the Community at Scorton are obligated to satisfy the architect's claims for the work performed, and that is in solidum, since the mandates or instructions issued by the Provincial and the local Prior concerned the same work performed by the architect. However, the entire Order is exempt from the obligation to pay the debt, as explained above. Having considered all of this in law and in fact, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and with only God before our eyes, decide, declare, and definitively pronounce, answering the proposed question: Affirmative, that is to say, that the architect Charles Walker is owed the sum of three hundred pounds sterling (L. st. 300), for the work performed by him, as well as for expenses incurred and damages resulting from the delay in payment, which the Prior of the Community of St. John of God at Scorton and the Provincial Superior of the same Community are obligated to pay in solidum within three months from the date of notification of this judgment; and We decree that the expenses be borne by the parties. Thus We pronounce, ordering the ordinaries of the places and the ministers of the tribunals to whom it pertains, to order the execution of this Our definitive judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25 of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. At Rome, in the Seat of the Tribunal of the Sacred Roman Rota, on the 20th of April, 1915. L. S. From the Chancery

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of the Sacred Roman Rota. Sac. T. Tani, Notary. Ioannes Prior, Presiding. Aloysius Sincero. Iosephus Mori.

[*Latin ed. p. 547*]

From the Diary of the Roman Curia, 547. DIARY OF THE SECRETARY OF STATE. By means of a letter from the Secretary of State, the Holy Father has deigned to appoint:

December 1, 1915. — His Eminence, Cardinal Gaetano Bisleti, Prefect of the Eighth Congregation for Seminaries and Universities.

December 7. — His Eminence, Cardinal Raffaele Merry del Val, President of the Pontifical Academy of the Catholic Religion.

FROM THE HOUSEHOLD OF HIS HOLINESS. By means of letters from His Excellency, the Reverend Monsignor, the Master of Ceremonies, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

March 8, 1915. — Monsignor Nicola Plaurens, of the Archdiocese of Smyrna.

March 18. — Monsignor Anthony Travers.

May 29. — Monsignor Arnold John Middendorf, of the Diocese of Breslau.

August 14. — Monsignor John Wollersheim, of the Archdiocese of Colonia.

— Monsignor Peter Tils, of the same diocese.

October 18. — Monsignor Bettino Bettoni, of the Diocese of Crema.

November 9. — Monsignor Raphael Delle Nocche, of the Diocese of Lecce.

November 15. — Monsignor Vincent Mango, of the Diocese of St. Agatha de' Goti.

— Monsignor Anthony dos Santos Coelho, of the Diocese of Beja.

November 17. — Monsignor Emilio Poretti, of the Diocese of Lugano.

— Monsignor John Marcoli, of the same diocese.

November 26. — Monsignor Francis Xavier Sasse, of the Archdiocese of Colonia.

[*Latin ed. p. 548*]

548: Acta Apostolicae Sedis - Official Commentary of the Extraordinary Papal Chamberlains of Sword and Cape: July 15, 1915. — Mr. Fernando Thomas de Bossierre, of the diocese of Namur. November 21. — The Most Noble Marquess Gaetano De Felice. November 22. — The Most Noble Marquess Giuseppe Guglielmi Delle Ruchette. Extraordinary Papal Chamberlain of Sword and Cape: November 21, 1915. — Mr. Giuseppe Pereira da Souza, of the archdiocese of Rio Janeiro. Extraordinary Papal Chamberlains

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extra Urbem: January 26, 1915. — Monsignor Carlo Bartolomeo de Martini, of the archdiocese of Porto de Spagna. — Monsignor Numa Maingot, of the same archdiocese. Papal Chamberlains in peacock blue attire: March 8, 1915. — Monsignor Nicolò Giosnovic, of the archdiocese of Scopia. — Monsignor Stefano Krasnió, of the same archdiocese. June 18. — Monsignor Guglielmo Rosauer, of the archdiocese of Colonia. September 25. — Monsignor Ferdinando Manzini, of the archdiocese of Modena. November 6. — Monsignor Pietro Sinipoli, of the diocese of Nicosia. November 21. — Monsignor Mariano Lazzari, of the diocese of Porto and S. Rufina. November 26. — Monsignor Paolo Düsterwald, of the archdiocese of Colonia. — Monsignor Giuseppe Plenkers, of the same archdiocese. November 29. — Monsignor Pietro Pisani, of Rome. — Monsignor Uberto Isfort, of the archdiocese of Munich of Bavaria. December 2. — Monsignor Tancredi Tani, of Rome. Honorary Secret Chaplain of His Holiness: November 4, 1915. — Monsignor G Silveira de Rocha, of the diocese of Petropolis.

[*Latin ed. p. 549*]

Year Til - Vol. VII No. 20, December 20, 1915.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

APOSTOLIC LETTER

CONCERNING THE BULL OF CRUSADE, RENEWED FOR TEN YEARS FOR PLACES SUBJECT TO THE LUSITANIAN DOMINION.

To Our Beloved Son, Anthony, Most Reverend Father, Cardinal Mendes Bello, by Apostolic concession, Patriarch of Lisbon.

BENEDICT XV, POPE.

Greetings and Apostolic Benediction.

It has always been the custom and institution of the Roman Pontiffs to enrich nations and peoples who have deserved well of the Catholic Religion with special graces and privileges, so that these may be both a reward for their fidelity and a means of more easily and effectively promoting spiritual benefits. Among the expressions of this paternal will, the Bull of Crusade certainly holds a prominent place, by which Our Predecessors have recognized and rewarded the faith and obedience of the most noble Lusitanian people to the Roman See.

However, since these concessions, still in force, no longer fully correspond to the circumstances and needs of our times, Our Predecessor, Pope

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Pius X, wisely considered it advisable to increase them, either in number or in extent, so that they might be more in harmony with the customs of modern life, and so that He might demonstrate His love for the beloved sons of Lusitania as much as possible. But alas, death unexpectedly snatched Him away, before He could implement this new benevolence for the Lusitanian family.

[*Latin ed. p. 550*]

550 The Acts of the Apostolic See – the Official Commentary – could be included. Therefore, We, who have been raised to the highest pinnacle of the priesthood, and who are urged by no less charity towards so important a part of Our flock, were determined to bring to fruition these holy designs of Pope Pius X. Which We strive to accomplish with a joyful and pleasing spirit, certain that all the faithful subject to the dominion of Lusitania will receive considerable benefits from this Our provision. Wherefore, by the tenor of the present Motu Proprio, with certain knowledge and mature deliberation, We, exercising the fullness of Our Apostolic power, completely abolish and declare to be abolished all and each of the privileges and graces contained in the Bull Cruciatae and in the Indulgences, both those of the Quadragesimal season and those of the Sabbath, and We grant and bestow upon the entire nation of Lusitania the following indulgences, valid for ten years, the beginning of which shall be from the first day of January of the year 1915, and the end the last day of December of the year 1924. Lest any error or doubt arise in the future, We command that an indication of these same Indulgences, printed, be preserved in the archives of the third Section of Our Secretariat of Briefs.

PONTIFICIAL INDULGENCES GRANTED TO THE NATION OF LUSITANIA

The Indulgences granted to the Nation of Lusitania by the Holy See must be published each year. The year is counted from the day before the publication to the day of the new publication. The summaries taken by the faithful are valid for their use during the entire aforementioned year. However, the Indulgences are always to be understood as extended, for the greater benefit of the faithful, for one full month after the year from their publication has elapsed. All those who are within the territory of Lusitania, or in any other territory subject to the dominion of Lusitania, may enjoy these Indulgences, provided they take a summary. However, they may use the Indulgence regarding abstinence and fasting, both in Lusitania and outside of Lusitania, provided that there is no scandal. For the lawful and valid use of the Indulgences, it is sufficient to take a summary. It is not necessary to subscribe one's own name and surname in them. Nor is it necessary to have them with one, or to keep them. The tax, or alms, to be paid, must

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be consigned at the end of each summary. Let the faithful know that these revenues are primarily intended for the erection and maintenance of seminaries for clerics, and that what remains will be used to help the poor, churches, and other pious works.

[*Latin ed. p. 551*]

Acts of Pope Benedict XV, 551. The executor of these Indulgences is the Most Eminent Cardinal, Patriarch of Lisbon, who can delegate all the faculties granted to him to individual Ordinaries. The Indulgence, "regarding Indulgences," is as follows:

I. A plenary Indulgence is granted, to be obtained twice by those who, having confessed, have received Holy Communion, on two distinct days, chosen at their discretion, with the aforementioned intention, to gain the Indulgence, within the year of the Indulgence, if they can; but if they cannot, provided they do so within the time prescribed by the Church, with the same intention, they shall obtain the aforementioned Indulgence.

II. An Indulgence of fifteen years and fifteen quarantines is granted to those who, at least with a contrite heart, have voluntarily fasted, on any day not subject to ecclesiastical fast, and have offered some vocal prayers according to the intention of the Supreme Pontiff. The aforementioned fast may be commuted to another pious work, for those who are unable to fast, by the Ordinary, the parish priest, and even the confessor. Furthermore, to those who perform the aforementioned acts, participation in all the pious works that are performed on those days in the Church Militant is granted.

III. The Indulgences of the Stations of the holy City, which are listed in the Decree of the Sacred Congregation of Indulgences, dated July 9, 1777, are granted to all those who visit any church or public oratory, offering vocal prayers according to the intention of the Supreme Pontiff, with the addition of Confession and Holy Communion, if the plenary Indulgence is to be obtained.

IV. To all those who receive the Summary [of penances], if they die within the year of the Indulgence, a plenary Indulgence is granted at the hour of death, provided they have confessed and received Holy Communion, or, if they are unable to do so, at least they have devoutly invoked the Holy Name of Jesus, with their mouth, if they can, but if not, with their heart, and have patiently accepted death as the punishment for sin from the hand of the Lord.

V. The aforementioned Indulgences, except for the plenary Indulgence to be obtained at the hour of death, can also be applied to the souls suffering in Purgatory.

1. The Indulgence, "regarding divine services and burial."

I. Those who have the Summary [of penances] can, during the time of interdiction, to which they have not given cause, and which does not

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prevent them from being removed, either in churches, in which divine services are permitted at that time, or in oratories...

[*Latin ed. p. 552*]

552 Acta Apostolicae Sedis - The official commentary states that chapels properly erected in private residences may be used for the celebration of Mass and other divine services, either by the priest himself, if he is a priest, or to ensure that they are celebrated, in the presence of the owner, his family, household members, and relatives; but with the doors closed, without ringing the bells, and excluding excommunicated and specially interdicted individuals; and, in the private chapel, with a few prayers recited for the exaltation of the Holy Church. — Furthermore, those present may participate in the aforementioned Masses and services, where they are celebrated. — They may also receive the Holy Eucharist and other sacraments in the same places. The bodies of the deceased, who have a summary of life, may be buried, at the same time, with moderate funeral rites, unless they have died under the bond of excommunication by a condemning sentence or declaration. III. The executor of these Apostolic Letters may permit that Masses be celebrated by priests before dawn and after midday, and that noble and qualified individuals may have Masses celebrated in their presence, at the aforementioned times. Indult "regarding confession and the commutation of vows." 1. It is granted that all, even religious of both sexes, except for those who are expressly and individually exempt, and for whom a more efficacious privilege applies, may be absolved in the forum of conscience alone, with the legally prescribed penances imposed, once in life or outside of mortal danger, and once in mortal danger within one year of the granting of this concession, or twice in each case if a double summary is taken, by any confessor freely chosen among those approved (for both sexes, if it concerns nuns and any other women) by the Ordinary of the place, from all sins and censures of any kind and in any way, even those specially reserved by law or by human authority, so that those thus absolved, by virtue of the present concession, and with a special grace, are not thereafter obliged to go to any other superior. This concession also includes the faculty of absolving from the sin of falsely denouncing a crime of solicitation, but the chosen confessor shall not absolve from such a crime unless the person first sincerely retracts the false denunciation. The recourse to the Holy Penitentiary shall be made afterwards, after the passage of decrees by the Holy Office, only when it concerns a suspected invalid absolution in a heinous sin. II. Furthermore, it is granted that the confessor chosen as above may, solely in the forum of conscience, even outside of sacramental confession, commute all private vows, in which the right of a third party is not involved,

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except for...

[*Latin ed. p. 553*]

Acts of Saint Benedict, Bishop, XV, 553: "With perfect vows of perpetual chastity and religion, [he was granted] the power to dispense in other works of piety, and to add to this a certain subsidy to be transmitted to the Executor of these Apostolic Letters, to be used in Fismes, as established by the Holy See." This present grant is valid only if, along with it, the summary of the Indult of divine offices and burial is also received, as well as the summary of Indulgences. The Indult "regarding dispensation from irregularity and from the impediment of affinity and crime."

I. The Executor of these Apostolic Letters can grant dispensation regarding irregularity to those who have celebrated Mass or performed other divine offices while under censures, but not in contempt of the keys; and regarding any other irregularity arising from a fault, except for irregularities arising from voluntary homicide, even if concealed, or from simony or apostasy from the faith, or from heresy, or from any other fault that generates scandal among the people, provided that a suitable alms is imposed, to be paid to Fismes, as established by the Holy See, and other things that are legally required.

II. The same Executor of these Apostolic Letters can grant dispensation regarding a hidden impediment of affinity arising from an illicit union, whether for entering into marriage, or even for validating a marriage already begun, with the imposition of a certain alms to be paid to Fismes, as established by the Holy See. Likewise, he can grant dispensation regarding a hidden impediment of crime, whether between those who are betrothed, or, as above, for entering into marriage, or even for validating a marriage already begun, with an alms imposed as indicated above.

1. Indult "regarding the validation of benefices and regarding compositions."

I. The Executor of these Apostolic Letters can grant validation regarding any ecclesiastical benefice, if the beneficiary has been legitimately inducted into its possession in good faith, except in the case where the nullity of the collation or institution arises from simony.

II. The same Executor can remit the fruits received in good faith, in the aforementioned case, but with the imposition of a certain suitable subsidy to be paid to Pfyn, as established by the Holy See.

1. However, this faculty will not be made public in the summary.

[*Latin ed. p. 554*]

554 Acta Apostolicae Sedis - Official Commentary III. The Executor may also admit all those who are obligated to restore the fruits [of their benefice] to a suitable composition, due to the omission of canonical hours, or due to neglect of another duty of the benefice, except for the omission of

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celebrating Mass. IV. The Executor may also admit all those who have been unjustly deprived, acquired, or retained [something], in any way, for any reason, provided that this was not done in violation of the conditions of the Indult; and if the lord is uncertain, or cannot be found, after due diligence has been exercised. V. In the case of composition, as in paragraphs III and IV, what is paid is to be applied by the Holy See to the designated purpose. However, if something is very difficult to pay, the Executor may grant a complete remission of the debt. Note: Nothing is determined regarding the amount to be paid for the composition, in paragraphs III and IV; because, since the good of souls must be considered in the composition, and consequently the judgment of the amount to be paid depends on various circumstances, sometimes, as stated in paragraph V, everything may simply be remitted, except for the amount paid for the Summary Tax, the determination of the amount to be paid is left to prudent judgment, after careful consideration of all things. In this matter, as is evident from what has been said, one must proceed scrupulously, and rather with liberality than with rigor. Indult "regarding the law of abstinence and fasting." I. To all, absolutely, on any day, and at any meal, it is permitted to use condiments made from any fat, from butter, from margarine, and other similar condiments; and it is also permitted to eat dairy products and even eggs, in the same way, that is, on any day and at any meal. II. Abstinence from meat and from the use of animal products must be observed only on the weekdays of Lent, Advent, the four seasons, and also on the four Vigils of Pentecost, the Assumption of the Blessed Virgin Mary, All Saints' Day, and the Nativity of Our Lord Jesus Christ. III. Fasting must be observed only on the fourth and sixth days of the week, as well as on the Saturdays of Lent, and on the four Vigils, as noted in the preceding paragraph II. The Vigil of the Nativity is anticipated and transferred to the preceding Saturday of the four seasons. Nor is it forbidden to mix fish and meat in the same meal on days of fasting and on Sundays of Lent. IV. All may, for a reasonable and just reason, be dispensed by their own confessors from the law of abstinence and fasting.

[*Latin ed. p. 555*]

Acts of Pope Benedict XV, 555. Conditions regarding the use of the preceding Indult. Paragraph I and II maintain the entire law of fasting, or of a single meal per day, for those who are obligated to fast, according to paragraph III. They do not enjoy this Indult, unless they have received the present Summary and the Summaries of Indulgences and divine offices, and have paid the designated alms, to be applied to the benefit of seminaries and other pious institutions designated by the Holy See. This Indult can be obtained through a collective Summary for oneself and the entire family, extending to any relatives, even guests for a short time, and those sharing a meal. This collective Summary has the same effect entirely

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if it is obtained by the mother of the family. The poor are not obligated to obtain the aforementioned Summaries, nor to give any alms, in order to enjoy the Indult regarding the law of abstinence and fasting. However, they are obligated to do so if they wish to enjoy other Indulgences. Regular clergy, who, by a special vow, are obligated to abstain from certain foods throughout the year, are entirely excluded from this Indult, regarding the law of abstinence. The "Indult concerning private oratories." I. To priests is granted the faculty of celebrating Mass in any private oratory, canonically erected and approved by ecclesiastical authority, and on any day, except for the last three days of Holy Week, even though other Masses may be celebrated there under this Indult, and without prejudice to the same Indult. II. It is permitted to laypersons, provided that the local Ordinary deems it necessary or truly useful, to arrange for a Mass to be celebrated in their presence in any private oratory, as mentioned above, by any duly approved priest, and to fulfill the precept of hearing Mass by attending the Holy Sacrifice. Note well: The various Indulgences, which have been established, are only for the purpose of properly and in order presenting the various Indulgences in a particular place. The Executor of the Apostolic Letters will be able to, as he judges best, extract and create Summaries from these, more or fewer, as he judges best. Given these things, to you, our beloved Son, as Patriarch of Lisbon, and as Executor of such Indulgences, we command that you have the Summaries of these printed, and that you send them to the other Ordinaries of Lusitania, according to...

[*Latin ed. p. 556*]

556 Acta Apostolicae Sedis - Official Commentary, concerning the distribution of these requests. Therefore, by Apostolic authority, We grant to you, Our beloved Son, the power whereby you may translate Our Letters into the vernacular language, and you may publicly proclaim and announce, both orally, in writing, or even through printed examples, those and all things contained therein, that is, the Summaries or compendiums of Indulgences and privileges, in any places within the Kingdom of Lusitania. Furthermore, the faithful, whether in Lusitania or in places subject to its governance, who wish to participate in the privileges and graces granted by the aforementioned Bull, must receive the aforementioned Summary, and, according to their ability and condition, fulfill the prescribed alms. Finally, you, Our beloved Son, in your Patriarchate of Lisbon, or other Sacred Ministers in their respective Dioceses, may appoint and establish suitable assistants, as well as custodians, accountants, and other similar officials, for the collection of such alms, and it will be permissible for you to carry out all things that you deem most suitable for the easier execution of the present Letters. We grant and concede all of these things and each of them, We decree and command, notwithstanding the Constitutions and Ordinances of the Holy See and also of the general Councils, and all other contrary

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things whatsoever. Concerning the Indulgences granted in these Letters, We expressly derogate from the prescriptions established in the Motu proprio, issued by the Most Holy Pope Pius X on the seventh of April in the year 1910, concerning the necessity of having Indulgences granted by the Supreme Sacred Congregation of the Holy Office examined. Finally, We wish that the copies, or transcripts, even those printed, of these Letters, signed by the hand of a public Notary and sealed with the seal of some man constituted in ecclesiastical dignity, be given the same faith as would be given to Our will, as expressed in these Letters. Given at Rome, near St. Peter, under the Fisherman's ring, on the thirty-first day of the month of December, in the year 1914, in the first year of Our Pontificate. L. ©S. P. CARO. GASPAKRT, from the Secretary of State.

[*Latin ed. p. 557*]

Acta of Pope Benedict XV, 557, II. RENEWAL OF THE CRUSADE BULL FOR TWELVE YEARS FOR PLACES SUBJECT TO SPANISH JURISDICTION. To our most beloved son in Christ, Alphonse XIII, King of the Catholics of Spain, BENEDICT XV, sends greetings and the Apostolic Blessing. In order that the present danger might be averted by the nations of Europe, during that most terrible time when the fury of the infidels stirred up wars against Catholic princes and peoples, and when the extreme peril of the souls of men was threatened, the Catholic Kings of Spain received from this Holy See Apostolic Letters, by which various graces and favors, both spiritual and temporal, were granted for a certain period to the faithful subjects of the Spanish realm, who either set out to fight in the cause of good against the infidels, or who aided with their own resources military expeditions undertaken or to be undertaken against them. This was the origin of the Crusade Bull in Spain, and our predecessors, the Roman Pontiffs, repeatedly renewed this grant. But when the need for fighting against the infidels diminished with the passing of the years, and in order to apply the alms collected for this grant to other pious purposes, and especially to increase the splendor of the Divine Cult, our predecessors decreed that they should be used for that purpose. Furthermore, in a solemn assembly concerning ecclesiastical affairs, which was begun with the Catholic Queen of Spain on the sixteenth day of March in the year 1755, and confirmed by similar Apostolic Letters on the ninth of September, it was stipulated in Article XL that, in the future, in the Spanish realm, the Ordinary prelates in their respective dioceses should administer the revenues of the Crusade Bull for the purposes specified, according to the norms prescribed in the last renewal of the Apostolic Indult, with the obligations to which these revenues are subject by virtue of agreements concluded with the Holy See. In an additional assembly begun on the twenty-fifth day of August in the year 1858, it was expressly stipulated that, in the future, all the revenues of the Crusade Bull, except for the

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portion due to the Holy See, as mentioned above, should be exclusively spent on the expenses of the Divine Cult. As for the Apostolic privileges annexed to the office of Commissary—

[*Latin ed. p. 558*]

558 Acta Apostolicae Sedis - Official Commentary on the General Bull of Indulgences, and subsequent attributions, in the same solemn Convention, Article XL stipulated that these should be exercised by the Archbishop of Toledo, in that form and extent which the Holy See had prescribed. This Bull, by Apostolic Letters dated the 21st of September in the year 1902, sealed with the Fisherman's ring, was most recently extended for twelve years by Our Predecessor, Pope Leo XIII, and concluded on the first Sunday of Advent of the preceding year, 1914. Our Predecessor, the blessed Pope Pius X, extended it only for that year, by order of the Secretariat of State, dated the 24th of June of that same year, 1914, because he had conceived the plan of reforming the aforementioned Bull, so that it might be more suited to the circumstances of the present time; and also, in order to more clearly signify his will towards You, most beloved Son in Christ, and towards the noble nation which you govern, he also intended to amplify its privileges. It pleases Us now to bring to fruition the will of Our Predecessor; for We embrace You, most beloved Son in Christ, and the people of all Spain, with no less benevolence and charity. Wherefore, having readily and gladly received the prayers presented to Us in Your name, through Your Legate with Us, We, by Our own motion and with full knowledge and mature deliberation, and by the fullness of Our Apostolic power, extend the Bull of Indulgences for the Kingdom of Spain for twelve years, to be counted from the first Sunday of Advent of the coming year, 1915. Concerning the publication of the Bull itself, and the indulgences granted therein, regarding divine services and burial, confession, and the commutation of vows; the dispensation from irregularity, and from impediments of affinity and crime; the validation of benefices and compositions; the law of abstinence and fasting; the conditions regarding the use of this indulgence; and finally, regarding private oratories, We command that the conditions and laws contained in the index, which is printed at the end of this document in the third section of Our Secretariat of State, and which We have ordered to be preserved by Apostolic Briefs, be observed religiously in all respects; the tenor of which is as follows: PONTIFICIAL INDULGENCES GRANTED TO THE SPANISH NATION. Publication and Use of Indulgences. The indulgences granted to the Spanish Nation by the Holy See must be published each year. The year is counted from the day on which the publication was made previously, until the day on which the new publication is to be made. The summaries taken by the faithful are valid for their use during the entire aforementioned year. The indulgences are always to be understood as

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extended, for the greater...

[*Latin ed. p. 559*]

Acta Benedicti PP. XV, 559, for the benefit of the faithful, for a complete month after the expiration of one year from their publication. All those who reside within the territory of Spain, or in any other territory subject to Spanish jurisdiction, may enjoy these indulgences, provided they recite the Rosary. They may also make use of the indulgence concerning abstinence and fasting, both within and outside of Spain, provided that there is no scandal. For the lawful and valid use of these indulgences, it suffices to recite the Rosary. It is not necessary to subscribe one's own name and surname in it. Nor is it necessary to carry it with one, or to keep it. The tax, or alms, to be paid, must be consigned at the end of each Rosary. Let the faithful know that these revenues are primarily intended to support divine worship, for pious works of charity, and to cover the expenses of the aforementioned Bull of the Cross. The executor of these indulgences is His Eminence, the Archbishop of Toledo, who may delegate all the faculties granted to him to individual Ordinaries.

The indulgence "regarding indulgences" (s. 1):

I. A plenary indulgence is granted, to be obtained twice within the year of the Indulgence, on two distinct days, chosen at will, with the aforementioned intention, to those who, having confessed and received Holy Communion, are able to do so; if they are not able, provided they do so within the time prescribed by the Church, with the same intention of obtaining the Indulgence.

II. An indulgence of fifteen years and fifteen quarantines is granted to those who, with at least heartfelt contrition, voluntarily fast on any day not observed by ecclesiastical fast, and who offer some vocal prayers according to the intention of the Supreme Pontiff. This fast may be commuted to another pious work, for those who are unable to fast, by the Ordinary, the parish priest, and even the confessor. Furthermore, to those who perform the aforementioned acts, participation in all the pious works that are performed on those days in the Church Militant is granted.

III. The indulgences of the Stations of the Holy City, which are listed in the Rescript of the Sacred Congregation of Indulgences, dated July 9, 1777, are granted to all those who visit any church or public or semi-public oratory, offering vocal prayers according to the intention of the Supreme Pontiff, with the addition of Confession and Holy Communion, if the indulgence to be obtained is plenary.

[*Latin ed. p. 560*]

560 Acta Apostolicae Sedis - Official Commentary. Those who receive the Summaria twice can obtain the Indulgences twice. And those who approach the Sacraments of Penance and the Eucharist can, on that day, in-

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stead of a partial Indulgence, gain a plenary Indulgence. IV. To all who receive the Summaria, if they should die within the year of the Indult, a plenary Indulgence is granted at the hour of death, provided they have been confessed and have received Holy Communion, or, if they are unable to do so, at least they have devoutly invoked the Holy Name of Jesus, with their mouth, if they can, but otherwise with their heart, and have patiently accepted death as the punishment for sin from the hand of the Lord. Furthermore, they can apply a plenary Indulgence to a deceased person, by praying before his body, having been confessed and having received Holy Communion. V. The aforementioned Indulgences, except for the plenary Indulgence granted at the hour of death, can also be applied to souls residing in Purgatory. The Indult "regarding divine services and burial." I. Those who possess the Summaria can, during the time of the interdict, even if they themselves are not the cause of the interdict, nor are prevented from doing so by themselves, either in churches where divine services are permitted at that time, or in privately erected chapels, celebrate Masses and other divine services, either by themselves, if they are priests, or arrange for them to be celebrated, in the presence of their family, household members, and relatives; but with closed doors, without ringing the bells, excluding the excommunicated and those specially interdicted; and, in a private chapel, with a few prayers for the exaltation of the Holy Church. Furthermore, they can attend the aforementioned Masses and services where they are celebrated. They can also receive the Holy Eucharist and other Sacraments in those same places. II. The bodies of the deceased, who possess the Summaria, unless they have died bound by the bond of excommunication by a condemning sentence or declaration, can, during the same time of the interdict, be buried with moderate funeral solemnities. III. The executor of these Apostolic Letters can permit, whether during the time of the interdict or outside of it, that Masses be celebrated by priests before dawn and after midday, and that noble and qualified persons can have Masses celebrated, in their presence, at the aforementioned hours. IV. All clerics, whether secular or regular, can freely recite Vespers and Compline, and immediately after midday, recite Matins with the Lauds of the following day, the day before.

[*Latin ed. p. 561*]

Acta of Pope Benedict XV, 561, Indult concerning "confession and the commutation of vows."

I. It is granted that all, even religious of both sexes, may receive absolution in the forum of conscience alone, with the legally prescribed penances, once in life or outside of mortal danger, and once in mortal danger within the year of the granting of this concession, or twice in each case if the *Summarium* is taken twice, from any confessor freely chosen by them among those approved (for both sexes, if it concerns nuns and any other

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women) by the local Ordinary, for all sins and censures of whatever kind and in whatever manner, even those reserved by law or by human authority, so that those thus absolved, by virtue of the present concession, are not subsequently obliged to appeal to any other superior. This concession also includes the faculty of dispensing from the sin of falsely denouncing a crime of solicitation, but the confessor chosen by the individual shall not absolve from such a crime unless the individual, first contrite, has formally retracted the false denunciation, and in no other way. The recourse to the Holy Penitentiary shall be made afterward, through the channel of the decrees of the Holy Office, only when it is a question of a deliberate absolution of an accomplice in a heinous sin.

II. Furthermore, it is granted that the confessor chosen as above, may, solely in the forum of conscience, even outside of sacramental confession, commute all private vows, in which the right of a third party is not involved, and except for the vows of perfect chastity for life and of religious life, in granting dispensations for other works of piety, and may add to these a certain assistance to be transmitted to the Executor of these Apostolic Letters, to be used in the places established by the Holy See. This present indult is not valid unless it is taken together with the *Summarium* of the Indults of the Divine Offices and burial, and also the *Summarium* of Indulgences.

Indult concerning "dispensation from irregularity and from the impediment of affinity and crime."

I. The Executor of these Apostolic Letters may grant a dispensation regarding irregularity to those who have celebrated Mass or performed other divine offices while subject to censures, but not in contempt of the keys; and regarding any other irregularity arising from a fault, except for...

[*Latin ed. p. 562*]

562 Acta Apostolicae Sedis - Official Commentary on dispensations regarding irregularities arising from voluntary homicide, even if concealed, or from simony or apostasy from the faith, or from heresy, or from another offense that generates scandal among the people, granted after imposing a suitable alms, to be paid in Fismes, as established by the Holy See, and other things legally prescribed. II. The aforementioned Executor of these Apostolic Letters may also grant a dispensation in secret regarding impediments arising from an illicit relationship, whether for entering into marriage or for validating an existing marriage, imposing a certain alms to be paid in Pfyn, as established by the Holy See. Similarly, the same Executor may grant a dispensation in secret regarding impediments arising from a crime, whether committed by one or both parties, either for entering into marriage or for validating an existing marriage, imposing alms as indicated above. 1. Indulgences "regarding the validation of benefices and regarding settlements." I. The Executor of these Apostolic Letters may

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grant a validation regarding any ecclesiastical benefice, if the beneficiary has been legitimately and in good faith placed in possession of it, except in the case where the invalidity of the collation or institution arises from simony. II. In the aforementioned case, the same Executor may remit the fruits received in good faith, imposing, however, a certain suitable subsidy to be paid in Pfyn, as established by the Holy See. III. The Executor may also admit all those who are obligated to restore the fruits to a suitable settlement, due to the omission of reciting the canonical hours, or due to another neglect of the duties of the benefice, except for the omission of celebrating Mass. IV. The Executor may also admit all those who have unjustly taken, acquired, or retained something in any way, for any reason, to a suitable settlement, provided that this was not done in reliance on the Indulgence, and provided that the owner has used due diligence but cannot be found. V. In the case of a settlement, as in paragraphs III and IV, what is paid shall be applied to the sum assigned by the Holy See. However, if something is very difficult to pay, the Executor may grant a full remission of the debt. Furthermore, in any case, it is sufficient to pay one-tenth of the amount improperly acquired. And if the amount is not significant, 1. However, this faculty shall not be made public in the Summary.

[*Latin ed. p. 563*]

The acts of Pope Benedict XV, number 563, which, indeed, should not exceed the sum of 100 pesetas, achieve their full effect with the very act of obtaining the Composition Bull, so that it is not necessary to appeal to anyone. Note well. - Nothing is determined regarding the amount to be paid in the case of the Composition, paragraphs III and IV; because, since the good of souls must be considered in the Composition, and consequently the judgment of the amount to be paid depends on various circumstances, sometimes, as stated in paragraph V, everything may simply be remitted, except for the tax paid for the Summary, the determination of the amount to be paid is left to prudent judgment, after careful consideration of all things. In this matter, as is evident from what has been said, one must proceed carefully, and rather with generosity than with rigor. Indult concerning the observance of abstinence and fasting. I. To all, absolutely, on any day, and at any meal, it is permitted to use condiments made from any fat, from butter, from margarine, and other similar condiments; and it is also permitted to eat dairy products and even eggs, in the same way, that is, on any day and at any meal. II. Abstinence from meat and from the use of animal flesh must be observed only on the Saturdays of Lent, of the Four Seasons, and also on the three Vigils of Pentecost, of the Assumption of the Blessed Virgin Mary into Heaven, and of the Nativity of Our Lord Jesus Christ. III. Fasting must be observed only on the Wednesdays and Fridays, and also on the Saturdays of Lent, and on the three Vigils, as noted in the preceding paragraph II. The Vigil of the Nativity is anticipated and transferred to the

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preceding Saturday of the Four Seasons. Nor is it forbidden to mix fish and meat in the same meal on days of fasting and on Sundays of Lent. VI. All may, for a reasonable and just reason, be dispensed by their own confessors from the law of abstinence and fasting. Conditions regarding the use of the preceding Indult. The law of fasting, or of a single meal per day, for those who are obliged to fast, according to paragraph III, remains fully in force with the Indult of paragraphs I and II. Only those who have obtained the present Summary and Summary of Indulgences and divine services, and who have paid the prescribed alms, which are to be applied to the benefit of seminaries and other pious institutions designated by the Holy See, may enjoy this Indult. This Indult may be obtained through a collective Summary for oneself and for the entire family, extending to any relatives, and even to guests for a short time.

[*Latin ed. p. 564*]

564 Acta Apostolicae Sedis - Official Commentary and Dispensations. This summary, taken as a whole, has the same effect entirely if it is received by the head of the family. The poor are not obligated to receive the aforementioned dispensations, nor to give any alms, in order to enjoy the dispensation regarding the laws of abstinence and fasting. However, they are obligated to do so if they wish others to enjoy the dispensations. Those who, by a special vow, are obligated throughout the entire year to abstain from food, are entirely excluded from the same dispensation, regarding the law of abstinence, those who hold the "dispensation concerning private oratories."

I. To priests is granted the faculty of celebrating Mass in any private oratory, canonically erected and approved by ecclesiastical authority, on any day, except for the last three days of the Greater Week, even though other Masses may be celebrated there under the dispensation, without prejudice to the aforementioned dispensation.

II. It is permitted to laymen, provided that the local Ordinary deems it necessary or truly useful, to arrange for the celebration of Mass in their presence in any private oratory, as mentioned above, by any duly approved priest, and to fulfill the precept of hearing Mass by attending the Holy Sacrifice.

III. Those who are under a Lenten observance can hear Mass and fulfill the precept, even in a private oratory, and even when Mass is celebrated therein without the presence of a dispensation holder.

Note well. The various dispensations, which have been made, are only for the purpose of explaining the various dispensations specific to a place and ordered. The executor of the Apostolic Letters will be able, as he judges best, to extract and compile summaries from these, more or fewer, as he judges best. Therefore, all the preceding dispensations can be collected together in a summary for those under a Lenten observance, except for

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the dispensation of abstinence and fasting, which can be separated from the others, by substituting it with the Lenten dispensation, which has been published up to now.

Since this is the case, we wish and command that the Archbishop of Toledo, as executor of these dispensations, take care to have the summary printed, and to distribute it to the other Ordinaries according to their requests. Therefore, by our Apostolic authority, we also grant that the same executor may translate these Letters into the vernacular language, and may publicly announce and proclaim, both orally or in writing, or by printed examples, those Letters and all that they contain, whether summaries or compendiums of dispensations and faculties, in any place within the Spanish jurisdiction. To the faithful of Christ, from both...

[*Latin ed. p. 565*]

The acts of Pope Benedict XV, number 565, concerning those of the sex [presumably meaning both sexes], residing in the Kingdom of Spain and in places subject to the civil authority of that kingdom, so that they may participate in the privileges, favors, and graces mentioned in the aforementioned Bull, must receive a summary statement, and, according to their varying rank and condition, must pay a designated alms. The Archbishop Executor, in the archdiocese of Toledo, as well as each Bishop in his respective diocese, may appoint suitable assistants, as well as other officials, such as notaries, for the collection of such alms, and may establish them with appropriate powers; and the Archbishop Executor may do all that which he deems most suitable for the easier execution of these present letters. We grant and concede, we decree and command all these things and each of them, without prejudice to the Constitutions and Ordinances of the Holy See and also of General Councils, and to other decrees of any kind whatsoever, published in any form, and to all other contrary things. Furthermore, for the effect of these present letters concerning indulgences, we expressly derogate from the prescriptions contained in the Motu proprio, issued by Our Holy Father Pope Pius X on the 7th of April, in the year 1910. Finally, we wish that the same faith be given to copies or transcripts of these letters, even those printed by means of the press, signed by the hand of a public notary, and sealed with the seal of a person of ecclesiastical dignity, as would be given to them if they were presented according to Our will in these present letters. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the tenth day of the month of August, in the year 1915, the first year of Our pontificate. L. © S. P. CARD. GASPARRI, Secretary of State.

III. CERTAIN PRAYERS TO THE HOLY HEART OF JESUS ARE GRANTED AN INDULGENCE.

BENEDICT XV.

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For the perpetual memory of this matter.

We believe that nothing is more fitting and more suitable for pleasing God, especially in times of trouble, than to implore prayers to the Most Holy Heart of Jesus, so that, for His infinite mercy, He may have mercy on us. And indeed, nothing seems more opportune and useful; for the Sacred Heart of Jesus is the source and seat of that burning love which led Him, the Divine Redeemer, to the death on the Cross for us, and it remains a constant refuge in which the human race may find solace and where it may rest completely.

[*Latin ed. p. 566*]

566 Acta Apostolicae Sedis - The Official Commentary, so that the faithful might diligently grasp this flame of charity, which eternally burns in the Heart of Christ, and strive to love God with all their strength, and to love one another. Since these things are so, we have, with Apostolic authority, ratified the following prayer, which is presented to us, and, after having heard the Most Reverend Fathers, Cardinals, General Inquisitors, with the heavenly treasures of the Church, of which the Most High wills that We be the stewards, we gladly enrich. Therefore, to all and each of the Christian faithful, of both sexes, who everywhere recite, with a contrite heart, in any language, provided the translation is faithful, the same prayer that is presented below, and a copy of which We order to be preserved in the archives of the Apostolic Briefs, whenever they recite it, for one hundred days of the penitences prescribed to them, or any other debts, according to the usual form of the Church. This indulgence We also grant to the souls detained in the fire of Purgatory, who, joined to the charity of God, have departed from this life, so that it may be applied as a suffrage for them. We wish that to these present Letters, or even to printed copies thereof, the same faith be given, by the hand of a public Notary, signed and sealed by a person of ecclesiastical standing, as would be given to the present Letters themselves if they were exhibited or shown. These present Letters are valid perpetually. To the contrary, nothing shall stand in the way.

Preghiera al Sacro Cuore di Gesù.

"O Most Sacred Heart of Jesus! O fountain of all good! I adore You, I love You, and, deeply repentant of my sins, I offer You this my poor heart. Make it humble, patient, pure, and in all things conformed to Your desires. Make me, O good Jesus, live in You and for You. Protect me in dangers, console me in afflictions, grant me the health of my body, assistance in my temporal needs, Your blessing in all my works, and the grace of a holy death."

Given at Rome, at St. Peter's, under the Fisherman's Ring, on the fourth day of December in the year 1915, in the second year of Our Pontificate.

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P. CARD. GASPARRI, Secretary of State. L.S.

[*Latin ed. p. 567*]

567 Acts of Pope Benedict XV. LETTERS I. TO AUGUSTINE CARDINAL RICHELMY, ARCHBISHOP OF TURIN, AND TO THE BISHOPS OF THE PIEDMONT REGION, IN ORDER TO CONGRATULATE THEM ON THE HAPPY CELEBRATION OF THEIR ANNUAL MEETING. Beloved Son and venerable Brothers, greetings and the apostolic blessing. — We are pleased, though saddened by what you mention in your letter, namely, so that you might offer us some solace in our great sorrow, and in some way lessen it, by sharing with us your sadness, which we easily understand is very great to us in these difficult circumstances. You have clearly achieved both of these aims: and we embrace the services you have rendered with such gratitude, that we give thanks to God, the giver of all good things, for whatever good may happen, and we hope for better things from Him, should anything adverse occur. This hope is strengthened by your prayers and those of your faithful; which, indeed, make God more amenable, the more diligently they are devoted to works of Christian charity. You write of the excellent work you are doing in cultivating the clergy and the people of Piedmont; and we believe that this praise should be given to you, so that you may acknowledge that a large part of it is due to your virtue. We know that you are those for whom no duty is more important, nothing more dear, than the flock entrusted to you; and in tending it, you demonstrate your skill, prudence, and piety admirably. The recent report you have sent us provides evidence of the meeting you held recently. In it, as you state, you wished to commend so highly the wedding garment, that those partaking of the Eucharist should, by restoring the strictness of the old discipline, strive to restrain in your dioceses that license of women's dress, which, if corrupt morals approve, modesty does not approve, and the Church, which desires to be treated with holiness, so disapproves, so that your diligence in providing for this may be considered the diligence of all other pastors. May the blessing of divine grace and a witness to our apostolic benevolence be with you all, beloved Son and vene-

[*Latin ed. p. 568*]

568 Acta Apostolicae Sedis - Official Commentary. To the Venerable Brothers, to the clergy, and to all of you, we impart our paternal blessings in the Lord. Given in Rome, at St. Peter's, on the seventeenth day of October, 1915, in the second year of Our Pontificate. BENEDICT XV. TO THE MOST REVEREND FATHER RAPHAEL SANTI, BISHOP OF FERETRA, TO WHOM WE OFFER OUR CONGRATULATIONS ON THE SUCCESSFULLY CONCLUDED DIOCESAN SYNOD. Venerable Brother, greetings and the apostolic blessing. — You have admirably demonstrated your zeal to Us and to your faithful by announcing the

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successful conclusion of the Feretran Synod. Indeed, we scarcely need such testimony. We knew you when you were governing the church of Bologna; and when you were created a bishop, we were sincerely delighted, not only for your sake, but especially for the sake of the clergy and the people entrusted to you, to whom we clearly saw that your virtue would bring great benefits. You have certainly brought a not insignificant benefit by restoring the diocesan laws in a manner appropriate to the times, so that the rights and duties are more clearly defined, and the way to eternal salvation is more readily facilitated for all. As you write, nothing remains for you to hope for, except that all those whom you have embraced with such loving care may not only be hearers, but also doers of the new law, remembering that they will be justified before God by these things, and not by those. What you desire is also what We desire. Indeed, We encourage all men of the sacred order, and especially those who, when the people ask them about the law, should not only hear the law, but also learn it, and in it find the best examples of Christian life. That this may happily come to pass through the grace of God, we invoke the help of heaven, and as a token of Our benevolence, we impart to you, Venerable Brother, and to your entire clergy and people, our paternal blessing in the Lord. Given in Rome, at St. Peter's, on the twentieth day of October, 1915, in the second year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 569*]

Acta of Pope Benedict XV, 569. TO THE MOST REVEREND LUDOVIC GAVOTTI, ARCHBISHOP OF GENOA, AND OTHER BISHOPS OF LIGURIA, CONCERNING LETTERS PRESENTED TO THE BLESSED FATHER ON THE OCCASION OF THE ANNUAL CONVENE. Venerable Brothers, greetings and the apostolic blessing.

Your common letter has been most welcome to Us. It has expressed both your piety towards Us and has brought news of the recent annual convocation held by you, and of the excellent provisions made. You write, above all, that you desire to strive in the future with all your strength to strengthen the bonds of communion between the faithful entrusted to you and the See of Peter. Indeed, there can be nothing more commendable in bishops than this purpose; and nothing is more pleasing to Us, for the people of Liguria are dear to Us, not only because of the charity of Christ, but also because of the virtues we have observed in them, and even because of the memory of their paternal home. As for the services you have rendered, we gratefully acknowledge them; may this be a pledge of the apostolic blessing, which we impart to you all, Venerable Brothers, and to each of your clergy and people, with paternal affection in the Lord. Given at Rome, near St. Peter's, on the nineteenth day of November, in the second year of Our pontificate. BENEDICT XV.

IV. TO JOHN BAPTIST MENGHINI, MASTER OF PONTIFICAL CERE-

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MONIES, GREETINGS FOR THE VOLUME ON LITURGICAL MATTERS PRESENTED TO THE HOLY FATHER. Beloved Son, greetings and the apostolic blessing.

We have gladly received from you the volume on liturgical matters which you recently published. And indeed, we congratulate you; first of all, because you have diligently revised and completed the "Manual of Ceremonies" by Pius Martinucci, a work which is certainly deserving of praise. Not only have you made the matters more accessible to those who serve, but you have also added good things, so that nothing is lacking which the Apostolic See has recently decreed. Therefore, we consider you to have applied your expertise in a very useful and beneficial way for the clergy. Furthermore, it is worthy of praise...

[*Latin ed. p. 570*]

570 The Acts of the Apostolic See – Official Commentary are books composed with your own ingenious talent; in which, whether presenting "the elements of liturgical law," or treating of "the worship and adoration of the Most Holy Sacrament," or instructing clergy and students in the sacred ceremonies of the Church, or interpreting the apostolic decrees concerning the sacred rites, you clearly and plainly expound a wealth of sound doctrine. Therefore, we honor your skill and expertise with praise, and we earnestly pray that your labors may contribute to the growth of the divine worship. As a witness to the favor and benevolence of heavenly gifts, we impart to you, beloved Son, our apostolic blessing. Given in Rome, at St. Peter's, on the thirty-ninth day of November, in the year 1915, in the second year of Our Pontificate. BENEDICT XV (SECTION ON INDULGENCES) DECREE CONCERNING THE PIOUS EXERCISE OF FIFTEEN DAYS IN HONOR OF ST. DOMINIC, WHICH MAY BE PERFORMED AT ANY TIME OF THE YEAR. On the twenty-fifth of November, 1915. Our Most Holy Lord, Pope Benedict, of Divine Providence, Fifteenth, having graciously granted, in an audience given to the Most Reverend Father, Assistant of the Holy Office, that the indulgences granted by the decree of May 6, 1915, to the Christian faithful who participate in the pious exercises and prayers in honor of St. Dominic, during fifteen consecutive days of the third class immediately preceding the feast of the same Saint, may be obtained at any time of the year, but only once within the year, provided that the other conditions and clauses of the aforementioned decree remain in force. This present decree is valid forever, without any brief being required. Notwithstanding anything to the contrary. R. CARD. MERRY DEL VAL, Secretary. f Donatus, Archbishop of Ephesus, Assistant of the Holy Office.

[*Latin ed. p. 571*]

SACRED CONGREGATION OF THE HOLY OFFICE

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ERRECTION OF A NEW DIOCESE AND A NEW ECCLESIASTICAL PROVINCE.

Our Most Holy Lord Pope Benedict XV, by decree of the Sacred Congregation of the Holy Office, dated November 10, 1915, erected a new diocese and a new ecclesiastical province, namely: The Diocese of Fortaleza was divided into two parts; in the eastern part, the Diocese of Fortaleza itself was restricted, while in the western part, a new and distinct diocese, to be called the Diocese of Sobral, was established, with the same boundaries as the Diocese of Fortaleza previously had. The boundaries between these will be marked by the parishes belonging to the new Diocese of Sobral and located within its territory, namely: Acarahu, S. Ana, Aracaty, Assu, S. Quiteria, Tamboril, and Independencia. Furthermore, the Diocese of Fortaleza, as mentioned above, being restricted, the same Holiness also exempted it from the metropolitan jurisdiction of the Church of Olinda and elevated it to the metropolitan dignity; and assigned to it as suffragan dioceses the new Diocese of Sobral and the already existing Diocese of Crato, both of which were likewise removed from the metropolitan jurisdiction of the Church of Olinda, leaving only the dioceses of Alagoas and Floresta as suffragan dioceses to that metropolitan see.

C. CARD. DE LAI, Bishop of Sabina, Secretary.

f Thomas Boggiani, Archbishop of Edessa, Assistant.

[*Latin ed. p. 572*]

572 Acta Apostolicae Sedis -, Official Commentary of the SACRED ROMAN ROTA concerning NULLITY OF MARRIAGE (JÜRGENS - DE HOOG). Under the blessed reign of Pope Benedict XV, in the first year of his pontificate, on the fifth day of May, 1915, the Most Reverend Fathers, Doctors John Prior, Ponens, Aloysius Sincero, and Joseph Mori, Auditors from Tournon, in the case of Büsgoducen - concerning the Nullity of Marriage, between Victor Jürgens, represented by his lawful procurator, the advocate Angel D'Alessandri, and Joanna De Hoog, who intervened and defended the validity of the marriage, rendered the following definitive judgment in the first instance: Victor Jürgens, being in his nineteenth year, in the month of April, 1910, entered into betrothal with Joanna De Hoog, a maiden of twenty-five years. Although, being occupied with business matters, he visited his fiancée less frequently, the unusual disposition of the young woman could not be concealed; she presented herself as sad, taciturn, and cold, and she frequently complained of headaches and fatigue, and often expressed fears that she might become insane. Yielding to the entreaties of the betrothed, she went to a sanatorium located in Nassau, in order to submit to the care of physicians, and she resided there from June 6th to July 10th, 1910. Little did the constant care benefit her, so that the betrothed, troubled by anxiety, hesitated as

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to whether to proceed with the marriage. Partly moved by pity for the young woman, lest, if the betrothal were broken off, her reputation would suffer harm, and partly also with some hope that she might be restored to a healthier condition, endowed with greater freedom, in married life, he actually entered into marriage with her on August 30th, 1910. But scarcely had the honeymoon begun, when the health of the bride appeared to worsen: nothing could arouse any pleasant feelings in her, and everything was a source of tedium to her, so that they were forced to interrupt their journey, which they had planned to take through the cities of Europe, and they returned home after fifteen days. Upon returning home, she proved to be utterly inept at managing the household, and she took no care to arrange anything in domestic affairs, leaving everything to the servants. She rather indulged in constant idleness, and from the very beginning of their common life, she was affected by baseless suspicions concerning her husband.

[*Latin ed. p. 573*]

Saint Bomana Bota 573 recounts the infidelity and calumnies, which she fabricated, alleging that she was maliciously attacked by others. As her mental state worsened day by day, it became necessary in April 1911 for Joanna to seek medical care, and she was attended to in her own home by a woman specially trained in caring for neurasthenic patients, namely, Mistress Viehinann. However, when the care at home did not yield favorable results, on August 1st of the year 1911, she was transferred to the sanatorium of Doctor Thomsen near Bonn, where she remained until November 20th of the same year. Upon returning home, after a few weeks, in the middle of December, she presented herself at the sanatorium of Doctor Stigler near Scheveningen, and at the end of February, she returned to the sanatorium of Doctor Thomsen near Bonn. On December 20th of the same year, 1912, she returned home, where she was under the care and supervision of Elizabeth Stevens, a medical doctor distinguished for her work assisting those suffering from phrensy and neurasthenia, until the end of December 1912, at which time the unfortunate woman was admitted to the aforementioned hospital, Condewater, near Rosmalen, where she remains to this day, suffering from complete dementia. Having heard the advice of doctors and friends, and being thoroughly convinced of his wife's dementia, even before the marriage, Victor Jürgens petitioned the Supreme Pontiff and obtained permission for a cause to be instituted before the Most Holy Order, in order to declare the marriage null and void on this ground. The woman was summoned to appear before the court in Buscoducensem, as is customary, but she could not be notified, due to her dementia, which was attested by the doctors; therefore, only the plaintiff's advocate and the defender of the bond, ex officio, appeared before the Prelate, who, as is customary, agreed: Does a nullity of marriage exist in this case? According

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to the law... Marriage is established by the mutual consent of the parties, which requires a free choice of will, preceded by rational knowledge, as in every human act. Since those who are demented are incapable of such rational knowledge, they cannot give free consent, and are therefore prohibited from entering into marriage, as stated in chapter 24, On Espousals and Marriage: "Since she could not remain with the same husband who was continuously afflicted with fury, and because of the alienation of his mind, he could not legitimately give his consent, we decree that, if this is the case, the aforementioned persons be separated from each other." This explicitly concerns only those demented who are furious, hence the summary of the chapter: "A furious person cannot enter into marriage." But the same must be said of those who are demented without the manifestation of fury, since it is clear from the nature of the impediment itself, and is admitted by all doctors. Therefore, the Glossa adds to the aforementioned chapter, Dilectus: "But how could this be, because, if she contracted the marriage, he was..."

[*Latin ed. p. 574*]

574 Acta Apostolicae Sedis - Official Commentary: "It was done in fury, and was foolish, but it is not likely that anyone would contract marriage with such a person." He responded: "It can be said that he was furious at that time, and neither the father nor the daughter knew that he was furious. For often, the furious are placed in the midst of a shadowed quiet... and yet they are not of sound mind, even though they may appear to be. And if this woman entered into marriage with him at that time, she did not enter into a valid marriage, and if this is proven, they will be separated." An impediment is understood to exist for those who are fully sane (Wernz, n. 41, p. 49, ed. 1904), whether concerning all forms of insanity, or only those pertaining to marriage, who are sometimes called demented. "It is possible," says Sánchez (De Matr., disp. 8, n. 23), "that a man, while considering some object, may become delirious, even though he would not be delirious while perceiving other things, but rather would use deliberation." Therefore, those who are semi-insane, or semi-demented, can validly contract marriage, provided that they are able to use deliberation, which is sufficient for mortal sin, as Sánchez notes (disp. 8, n. 15): "It is clear that nothing can be done by a madman that requires free consent, such as is required for betrothal and marriage. And the same must be said of one who is completely deprived of the use of reason; otherwise, if he is not completely lacking in understanding, which we commonly call a simpleton, he can enter into betrothal and marriage, as Greg. Lopez, recently cited, teaches well; and the reason is manifest, because he has sufficient deliberation to commit a mortal sin." This applies not only to those who are perpetually or for a long time in a state of semi-insanity, but also to those who, during the worsening of the illness, have not yet reached the state of complete insanity,

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but who later do reach it. On this matter, D'Annibale notes (vol. I, no. 31, note 15, ed. 3): "The completely insane are considered to be in a state of sleep; therefore, whatever they do, they do nothing, that is, once they have reached the state of complete insanity; for it is regularly reached gradually, without awareness." "But in the so-called incubation period, as they say, as long as there remains in him as much power of intelligence as those who have barely emerged from infancy, he is not considered insane." But it must be noted that this is said of children who have barely emerged from infancy, who are in a normal state, that is, endowed with the use of reason, and capable of committing mortal sin. It is necessary to distinguish between the degree of development of insanity, and its manifestation: for the nature of the disease and its power may remain hidden not only from the uninitiated, who perceive the signs of the same ambiguously, but also for a certain period of time from the very doctors, who can only become more certain of the patient's previous condition through the further development and manifestation of the disease. Thus, the expert Van der Hagen in the present case.

[*Latin ed. p. 575*]

The Roman Rota, 575: If lucidity has intervals, and if, during these intervals, the marriage was contracted, then the marriage is valid; as all Doctors affirm. However, in cases where there is doubt as to whether these intervals of time, in which the marriage was contracted, were periods of lucidity or not, and when the existence of lucidity has been proven both before and after, it is, according to common doctrine, to be presumed, as explained by Sanches (1. c, n. 17): "It must be said that the period of insanity is to be presumed 'to have passed' (the marriage)." And the reason is, because, when the disease of insanity, "by its very nature, is perpetual, incurable, and hopeless, it is presumed 'to last at all times,' and those lucid intervals are by accident, 'and therefore are not presumed.'" And the Rota (Dec. 276, num. 7, p. 8; Dec. 8, num. 12, part. 13, more recent). "Insanity is presumed to have lasted for a time, as long as the evidence of the extreme [condition] remains." Also, Gasparri, vol. 2, n. 884, ed. 1904; D'Annibale, tom. I, n. 150, not. 39, ed. 3. Regarding the proof of insanity, it must be especially noted that, since it is a disease, it is primarily to be judged by medical experts, to whom full faith must be given, provided that it is established that they have the proper knowledge and possess sound science and honest morals. Zacchias writes (Quaestiones Medicos-legales, lib. 2, tit. I, De Dementia): "How many things are required by Jurists regarding this matter of insanity, are better known to the medical experts themselves than I could demonstrate in length. For these passions are known only to doctors, and it is established in 1. Semel, c. de re indit., that a disease is to be proven by doctors providing care, and to them alone is credit given, when it is doubted whether the testator was insane or not." As for the facts: Eleven

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doctors were called to testify, of whom seven examined Joann after the marriage, and four before. However, of these four, Dr. Van Kekem and Dr. Moll should be excluded from the number of experts, since the former did not treat the woman, but only knew her as a friend of the family, and confessed to not being an expert in the diseases of insanity; the other doctor only visited the sick girl four years before the marriage, at which time she was already suffering from a nervous disorder. The testimony of Dr. Anhalt is of great importance, who kept the sick girl in his sanatorium near Nassovia for thirty-four days shortly before the marriage. Joann entered the sanatorium on June 6, 1910, and returned home on July 10, to be married on August 30. The doctor was asked: "Can you remember what the condition of her mind was at that time?" He replied: "Yes, I can."

[*Latin ed. p. 576*]

576 Acta Apostolicae Sedis - Commentarium Officiale "memini in qua mente illa tunc erat." Iterum interrogatus: "An illa firma opinione est se tunc affligebatur morbo mentis "sicut nunc medici ei tribuent?", respondit: "Ita. . . . Ego "persuaso me quod tunc illa plena conscientia actionum "et dictorum suorum carebat. Non erat capax agendi "libera voluntate (actus liberi arbitrii)." Interrogatus: "An illa firma opinione est se "non esse aptam, clara mente et libera voluntate, "consentire quod pro matrimonio Christiano requiritur?", respondit: "Ita." Testimonium eius augetur per epistulam quamdam actori missam die Maii 1912, in qua res ab ipso observatae et narratae, iuramento firmare se paratum esse dixit. Sic scribit: "Communicare vobis observationes "meae temporis factas in Nassau. Uxori suae, "non apparuit observatori non esse afflicta morbo "mentis, quia, postquam valde aegra de salute "erat, operationem mentis suae anomalam non "manifestabat, sed conabebatur externis gestibus "recte se gerere (simulabat). Sic accidit ut alii "eam putarent stultam, sed non gravemente "aegeram. Cum primum eam cognovi, statim "suspicatus sum quod morbo serio affligebatur. "Haec suspicio, paulatim, in examinatione "accuratiora, certitudine facta est. In illa "occasione, multa indices dementiae et insaniae "ostendit. Praesertim, credebat se persequi "et noceri; ita, exempli gratia, dicebat patrem "suum per Ecclesiam et Societatem Iesu "observari. Deinde, alludebat ad nobilitatem "suam, quod, in summa, creatura omnino "specialis esset. Iam in schola, semper "sentiebat se aliter esse quam filiae eiusdem "aetatis. Nunc, semper sentiebat se observari "et sciebat etiam antea semper observata fuisse. "Viris in via risum faciebant ei. Semel, cum "ab via longe et silvis obtecta risum puerorum "audiretur, dixit eos pueros risum facere ei. "Se putabat a populo transitabantibus "cognitam et observatam, quod impossibile erat "propter distantiam viae. "Ut iam dixi supra, semper sentiebat se "aegram esse, quod eam etiam ad me reservatam "faciebat, dum aliter saepe dicebat se "insanam esse, se non posse matrimonium "contrahere,

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timorem de matrimonio habere, et "similia. Concorditer cum multis eius "imaginationibus et dictis insanis, ex quibus "hodie paucas tantum memini, morbus mentis "stabilitus est, etiam externis risus stultis et "aliorum.

[*Latin ed. p. 577*]

St. Bomana Bota 577. "Regarding the indifference of her sentiment. It is certain and without any doubt that 'she was already afflicted with a mental illness, and that she was in a condition from which all free acts of will are excluded.' It is natural, but I want to state it expressly – that I would wish to affirm this opinion in every way, even under oath." The facts narrated by the doctor from Anhalt, which he himself experienced during the care of the sick woman in the sanatorium, are pertinent to the care itself and constitute the material for the judgment of the intellect in diagnosing the illness, which is the principal task of the expert (De Luca, De Iudic, disc. 33, n. 20, seq.), and therefore, they particularly deserve to be considered, and accordingly, they add a particular weight to his testimony. He affirms the woman's complete dementia, which existed at that time: "She was not capable of acting with free will." This expert's judgment, based on the facts he observed, receives a certain confirmation from what the author L. Borri explains (Nozioni elementari di medicina legale, page 296): "The medico-legal importance... is all the greater, because the greatest psychic anomaly can hide under the 'varnish of reason.' Reason remains unchanged, and these individuals can manage their affairs, and continue in social and family relationships, without the common eye of people being able to discern in them anything more than some eccentricity or quirk of character, and indeed, it is not difficult to verify how, for a certain time, the paranoids astutely conceal the delirium that is gradually possessing them. And all the more so, even in the later stages of the illness, the assessment of the uninitiated may prove difficult, because systematic delusions are characteristic of paranoia. The stability of delusional conceptions causes them to become fixed in the consciousness and to concretize in the personal experience of the paranoid, thereby directing their psychic activity in a given direction, variable in different cases; so that associations, relationships, deductions, in a word, the elaboration of representation, are organized into a specialized, logical system of illusory understanding of the environment." Then (page 306, lines and): "It should also be kept in mind that 'the paranoid can skillfully dissimulate, in order to avoid being restricted, as well as to be discharged from the asylum.'" The same judgment regarding the dementia of Joanna was pronounced by this doctor in May 1912 in a letter which he sent to Doctor Wilhelmy, who had inquired with him about the woman's condition before her marriage: "Mrs. Jürgens, in her time in Nassovia (that is, before the marriage), showed evident signs of dementia, and that she

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was dominated to such a degree by fan-"

[*Latin ed. p. 578*]

578 Acta Apostolicae Sedis - Commentarium Officiale "of those babbling individuals of an idiotic nature, and that she should be considered at that time as unfit to act in accordance with par. 102, 2, Civil Code (German)." Especially, it seems to contradict itself, the expert Anhalt, when he asserts that the woman suffers from "idiotic dementia," while in the interrogation, he affirms that she was affected by "paranoid dementia": to the judge who asked: "Was she convinced that she was already suffering from a mental illness, as the doctors now attribute to her?", he replied: "Yes." The dementia that the doctors now attribute to Johanna is that which is called "melancholy." Dr. Corn. J. Hoogweld, in whose sanatorium Gondewater Johanna was, and still is, during the course of the proceedings, when asked about the nature of the illness itself: "Has she (Johanna) suffered from total insanity from that time (December 26, 1912) onwards, and of what kind?", replied: "Affirmative, of paranoid dementia." Again asked: "What are the specific symptoms of the illness?", he replied: "She suffers from all kinds of imaginative fantasies, which constantly vary; now she imagines herself to be an Austrian princess, now an Orange princess. Furthermore, she has terrifying ideas of persecution and poisoning. Moreover, she has numerous hallucinations, indeed of all the senses, with all the phenomena that result from them." Dr. Muthman, also, and Dr. Anhalt, say that she suffered from "idiocy"; Dr. Hagen, however, "precocious dementia." There is, however, only a difference in degree between the experts; for a certain form of "precocious dementia" is "idiocy," another is "paranoia," as Borri teaches (loc. cit., p. 288): "This paragraph includes precocious dementia, which has now been accepted as an undisputed clinical entity in its forms of idiocy, catatonia, and paranoid psychosis." However, the same author (loc. cit., p. 294) points out that these forms often coincide in a specific case as external manifestations of a single and the same organic defect: "All these different types of anomalies - it is good to repeat - do not have clinical individuality, but are differences in superficial form - often concurrent - of a single and substantial psychopathological modality, consisting in the instability or even the imbalance of a brain constitutionally imperfect. Having made this reservation, we will now speak of the forms that can be better defined," among which he enumerates the "paranoid" form. The nature and phenomena of paranoid dementia are thus described by the aforementioned author, Dr. Borri (p. 297 seq.): "Paranoia - as the name suggests - is a mental state that appears to border on the normal state of mind, inasmuch as it is preserved, in its qualitative terms, and

[*Latin ed. p. 579*]

"Regarding the quantitative aspects and the mechanism of thought

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processes. However, 'under this appearance of almost normal conditions, there lies a profound and fundamental alteration of the entire psychic and physical organism, which, from its very origins, distorts, perverts, and corrupts the work of thought, because the impressions of the external world and of the organic self are falsely understood and processed by the consciousness. The sensory perception is normal, but its interpretation is falsified; hence, instead of an objective comprehension of the external world, there is one that is eminently subjective... Consequently, in the long run, the perception of the external world becomes even erroneous, and the relationships that the individual had with it change; in a word, the individual's very personality changes from what it was before, adapting and harmonizing with the delusion.' In this psychological sense, Dr. Anhalt affirms in a letter to Victor Jürgens on May 25, 1912, that Johanna's personality was altered before her marriage: 'She alluded to the fact that she was of high birth, that she was, in short, a quite special creature.' The same testimony is given by Johanna's mother and brothers, who say that she often exclaimed: 'Am I not a foundling?' The nature of her illness indicated a persecutory paranoia, as noted by the expert Anhalt in the same letter: 'She primarily believed that she was being persecuted and harmed; for example, she said that her father had her observed through the Church and the Jesuits... People on the street would talk about her, they would laugh at her. Once, when children were heard laughing from a distance, hidden by trees, she said that those children were laughing at her.' Johanna's brother, Herrn, notes: 'Several times, when taking something into her mouth, she would ask: "Is there poison in my drink?"' The description of the persecutory nature of paranoia is presented by Dr. Borri (op. cit., p. 298), which entirely corresponds to the facts observed in Johanna's case by Dr. Anhalt: 'An individual found and seen in some place does not appear indifferent, as would be the case with a normal person, but it seems to him that someone is looking at him in a strange way, with suspicion, with distrust; if he performs some innocent act, that act is perceived as mockery directed at him; a newspaper announcement, which speaks of anything, is considered to refer to him. In short, the external world is objectively, in an absolute sense, perceived as it is, but subjectively, the perception of it is erroneous or falsified... There are now habitual categories of persecutors: Jesuits, etc.'" The value of Dr. Anhalt's testimony regarding Johanna's complete lack of sanity before her marriage is not diminished by the fact that he recognizes the power of dissociation in the patient.

[*Latin ed. p. 580*]

580 Acta Apostolicae Sedis - Official Commentary on the matter of altering the judgment, which, according to the Defender of the Bond, cannot be reconciled with the power of correcting the insanity. For the power of

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correcting the movements of insanity signifies that the patient, afflicted by such movements, or hallucinations, holds subjective realities as objective truths, while the power of concealing insanity signifies the ability to hide such an inability to correct the movements of insanity. However, to what extent this ability to restrain the manifestations of insanity can be consistent with the degree of intensity of the dementia, it is for experts to judge. Experts Anhalt and Thomsen affirm, at least implicitly, that the ability to conceal insanity can be consistent with full dementia. This appears to be confirmed by the aforementioned author, Dr. L. Borri (pages 296 and 306), who states: "The greatest psychic anomaly can hide beneath the veneer of reason... Even in the later stages of the illness, the judgment of the uninitiated can 'prove difficult... The paranoid can skillfully dissimulate, neither 'intending' to avoid interdiction, nor to be discharged from the asylum." The expertise of Doctor Anhalt is confirmed by Dr. Muthman, who subjected a woman to a single examination before marriage in the same sanatorium: "The free act 'of the will was impeded even at the conclusion (of the marriage). The nature of the insanity of the mind is the aforementioned ebefrenia." He adds the declaration: "Dr. Muthman cannot now remember 'whether, in this first examination, he already suspected that the lady Van Hoog was mentally ill,' from which it is clear that his categorical judgment regarding the woman's insanity before marriage was not solely or primarily based on the examination she underwent at that time. He does not provide the reasons for his judgment, as he was not questioned about them by the judge. However, from a letter from Dr. Anhalt to Dr. Wilhelmy dated May 9, 1912, it is sufficiently clear that the reasons on which he based his judgment were the same or similar to those presented by Dr. Anhalt, although the facts observed were not known to him from his own knowledge. In that 'letter, Dr. Anhalt notes: 'That he had spoken about this 'matter several times with his colleague Muthman, and that he had indicated that the lady de Hoog 'simply could not marry, and that, with full justice, the groom should be informed.'" Dr. J. Wiardus Beckman, who treated Johanna from April 1911 to August of the same year, that is, the first months after the marriage, declares that she was insane not only at that time, but also before the marriage, a judgment based on the highly developed degree of the illness, and on the facts of the woman's prior life, whether heard from her herself, or from others (as in the sworn declaration of July 1912), including Dr. van Wayenburg, who treated Johanna before the marriage. Regarding the reason requested based on the degree of development of the illness, another expert speaks.

[*Latin ed. p. 581*]

In Rome, on the 5th of May, 1915, Dr. Johannes van der Hagen, questioned by the judge, regarding whether specialists in this type of illness, having treated such patients for a long time and with care, can know with

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certainty that an illness such as that from which the lady Jürgens de Hoog suffers, existed already for several years before the sick person was entrusted to their careful care, replied: "This depends on the state of the illness in which the patient is presented to the doctor. If this is at the beginning, such a conclusion cannot be made; if, however, the illness is already very advanced, then it can be said with certainty that the illness has existed for a long time, and indeed, the longer the stage of the illness is more advanced." The facts concerning the prior life of Johanna, with regard to her mental condition, were not learned solely from her, but also from others, especially from Doctor van Wayenburg, who, as a physician who treated the woman before her marriage, was able to note all the signs of the illness. The expert expressed the idea that a woman's impotence prevents her from giving free consent in marriage, by answering the judge's question: "Do you believe that at the time of her marriage, she was not in a state to give the required reasonable consent, being aware of what she was doing?" He replied: "He considered her not responsible for her actions and behavior, and therefore, although she was aware, she gave the required consent, nevertheless, she could not sufficiently understand the entire extent (meaning) of her consent." From the expert's response, it is clear that he completely excludes free consent on the part of the woman, because he declares that she was simply in love before the marriage ("Does he believe that the lady Jürgens de Hoog already had the same illness before the marriage? - Affirmative"), because he affirms that she was "not responsible for her actions and behavior," and although, directly questioned by the judge about the woman's awareness in entering into marriage ("was she aware of what she was doing?"), he admits some deliberation in giving consent ("although she was aware, she gave the required consent"), it must be remembered that not any deliberation is sufficient for a valid consent in marriage, according to the teaching of jurists, but that deliberation is required which is necessary and sufficient to commit a mortal sin. Where such deliberation is lacking, perfect and absolute dementia is said, in the legal and ecclesiastical sense, so that a person in such a state cannot validly enter into marriage, even if the disease of dementia from which she suffers may still progress to more severe stages. Dr. Wilhelmy, who provided care for Johanna in the sanatorium of Doctor Thomsen from August 1st to November 1911, and from February 29th to August 20th, 1912.

[*Latin ed. p. 582*]

582 Acta Apostolicae Sedis - Commentarium Officiale, affirms that she was of unsound mind before the marriage and incapable of giving free and valid consent in the marriage. He testifies: "I have the firm conviction that the insanity did not arise after the marriage, but existed for quite some time before the marriage. I am convinced that at the time of the marriage, she was no longer capable of giving such consent as is required for the

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valid conclusion of a Christian marriage. As a cause, I can adduce both the fact that such illnesses usually develop slowly, and the credible assertion of another physician who treated the lady Jürgens before the marriage, and of whom I myself have a letter. That gentleman writes to me at my request on May 9, 1912, that the lady Jürgens, in her time in Nassovia (that is, before the marriage), showed evident signs of dementia, and that she was so dominated by rambling fantasies, of an idiotic nature, that she should be considered at that time as incapable of acting in the sense of par. 102, 2, of the Civil Code (German). He also notes that she had spoken about this matter several times to the colleague Muthman, and that she indicated that the lady de Hoog simply could not marry, and that, with full justification, the groom should be informed. The name of the doctor is Dr. Anhalt." Such information concerning the woman's prior state was requested by the doctor Anhalt during the care that Wilhelm and Joanna were receiving, which demonstrated his concern in forming a correct understanding of the sick woman's infirmity. Dr. Wassermeyer, who, together with him, was attending to Joanna's care, agreed with Dr. Wilhelmy, saying: "According to the information I have received from other doctors and from my own observations, I am convinced that the lady Jürgens, at the time of the celebration of the marriage, was not capable of giving a valid consent." The fourth doctor, of the seven who administered care to Joanna after the marriage, J. van der Hagen, categorically affirms that she was also simply of unsound mind before the marriage, and therefore incapable of giving free consent. "I believe," he says, "that the Catholic Church requires a reasonable consent for a valid marriage, resulting from a free will and inspired by a sound mind. Based on this, I am convinced that the illness of the lady existed already before her marriage to such an extent that she was incapable, at the time of her marriage, of giving such a reasonable consent... From what I have heard from the doctors and other credible witnesses, in relation to what I have learned from my own investigation (namely, an investigation conducted in the summer of 1912 in the sanatorium near Bonn), I am convinced that..."

[*Latin ed. p. 583*]

"The lady, even before her marriage, suffered from 'dementia praecox,' which I consider a form of madness." It cannot be opposed to the testimony of this expert, nor to that of other witnesses in the case, that she may hold an erroneous opinion regarding what is required for a valid consent in ecclesiastical law, for such an opinion is easily understood and an expert is to be presumed to understand it correctly, unless the contrary is proven, which has not been proven in the present case. Nor does the authority of the testimony diminish because the judgment regarding the woman's prior condition is partly based on facts narrated by others, who perhaps were not called to testify in court; for such facts, as the experts implicitly

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admit, were not of a different nature than those reported by sworn witnesses concerning the woman's condition prior to her marriage, namely, that they, from their own indications, do not present undeniable signs of madness to the uninitiated, but only of an abnormal mental condition: the true significance of which becomes known to medical experts through the further development of the disease, as we noted from the expert testimony of Dr. van der Hagen. Therefore, to the judge's question: "How do you explain that, before and after the marriage, the laypeople considered her strange and hysterical, but not mad? Is this a common occurrence with this type of illness?" The expert, Dr. J. van der Hagen, did not deny that the facts themselves were as narrated, but replied: "I explain this in the following way: the lady was indeed strange, and she often gave the impression of suffering from hysteria; and that, if she was not considered demented, it is a very common phenomenon in these and similar illnesses, because laypeople, as a rule, judge only according to behavior and actions insofar as they are dangerous to others, and that was not the case here." Similar questions were answered in the same sense by the experts, Drs. W. Beckmann, G. Anhalt, Thomsen, and Wilhelmy, noting also the tendency of those close to the patient to conceal her insanity. These explanations are consistent with the teachings of authors who have written on this subject: thus, Kraepelin (Treatise on Psychiatry, vol. %, p. 157): "Many of these patients do not come under the care of a physician, because the change is considered by relatives not as absolutely morbid, but only as the result of an unfortunate development, and indeed perhaps even as a culpable character defect." And E. Tanzi (Forensic Psychiatry, p. 405): "Not infrequently, the initial symptoms of early dementia are interpreted by the relatives of the patients and by those who have less intimate relations with them in a completely erroneous way. The arrest of psychic powers, the inability of attention..."

[*Latin ed. p. 584*]

584. Acta Apostolicae Sedis - Commentarium Officiale: "Activa" (actions) are mistaken for signs of apathy, laziness, or "carelessness." Of the three experts present, none positively dissent from the judgment of their predecessors, who state that the bride was insane before the marriage, but Dr. G. J. Hoogweld refrains from expressing a judgment regarding the bride's prior state of infirmity. Dr. Stigler says: "I cannot give a judgment based solely on 'the information given to me'; but given the state in which I observed her, 'I do not wish to deny that it was possible that she was already suffering from mental illness before the marriage.'" Dr. Thomsen asserts with high probability the woman's insanity before the marriage: "According to my scientific conviction, the lady Jürgens, at the celebration of the marriage, was guided much more by certain insane imaginations, feelings, and 'morbid impulsiveness of will,' than by

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normal mental reasons. If the faculty of free will was completely excluded at the celebration of the marriage, it cannot be asserted with infallible certainty, based on one's own observation, but it can be admitted as highly probable." Regarding the other witnesses, besides the experts, they testify as follows concerning the mental condition of Johanna de Hoog before the marriage. Her mother testifies: "She would remain in the evening hours with a whining and annoying sound, had a repulsive, restless, and, to me, unpleasant gaze; during evening walks, she was of the same mood... It had become a habit before the marriage... Such expressions were used by my daughter before the marriage," namely: "Would I not be a foundling? - Has my mother behaved badly? - I feel like I am going crazy." - My daughter, in the years before the marriage, repeatedly expressed her fear of going crazy one day. She often complained of horrible, but not agonizing, thoughts... She was sometimes melancholic, so lonely with me, but not with strangers, but not continuously. She was indeed sometimes dazed and tired in the head, but this was not her continuous and persistent state of mind... She repeatedly repeated the same words." Johanna's brother, Hermannus de Hoog, says: "She was often annoying, sometimes even without a direct reason. She went so far beyond the limits of what was bearable that I sometimes found it best to leave her company... That kind of sadness and dejection, that bizarre whining, or, as they called them, those caprices, would return suddenly from time to time, but most often after short or long intervals. It was very difficult to get her out of that mental state, and often it was not possible at all. Sometimes she was of good cheer."

[*Latin ed. p. 585*]

St. Bomana Bota 585: "Irritable without reason. Then, those fits of bad temper were 'violent in words, yes, but not in deeds...' She also complained much of 'dizziness and headache.' Such and similar expressions sometimes came from her lips: 'I wish I were dead. - One day I will become crazy. - Am I not a foundling?' She sometimes spent a long time repeating the same insignificant word." The witness, under oath, confirmed what she declared concerning the condition of her sister before her marriage to Victori Jürgens, around the autumn of 1910, namely: 'She was always complaining of being tired and dizzy in the head. Several times, taking something to her mouth, she asked: 'Will there be poison in my drink?' Those at home considered her to be feigning that she was tired, etc.... In essence, she was in a state of continuous indolence, of brain fog, of doing nothing, of dreaming. She was capable of spending a long time murmuring the same word. She believed that, being married, she would be cured of sadly ruminating and of doing nothing.' Father J. Mohrmann, O.P., testified: 'Throughout the entire time until her marriage, I found her to be a very strange young woman: often she would pass from lively joy to the most absent-mindedness or to recklessness, without any external cause; she was completely out of line

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with a well-behaved young woman of her position. I spoke to her about this, several times with Dr. van Kekem, certainly shortly after the marriage, but probably also several times before the marriage. The facts that I had observed then, before the marriage, were the subject of conversation after the marriage with several doctors, who assured me that they all agreed in the diagnosis, which was later established. When the doctors accuse that the facts observed by me then fell within the line of dementia praecox, I must admit that she was then suffering from that illness.' The witness, Joanna Maria Oudeyans, who was a servant in the family of Hoog from October 1909 to May 1911, was asked: 'Can you recall that the lady, the daughter, sometimes spent a long time continuously repeating insignificant words?' She replied: 'Yes, very often, and I found this to be a childishness of the young lady.' Asked again: 'And when someone tried to stop her or prevent her, what did she do then?' She replied: 'Generally, she did not take notice, or she said that she could not help it, that she could not stop... I remember that sometimes she could be less decent, but not indecent, because the young lady was not well in the head; I never thought that, but I always found it strange in her that she could so often repeat such words.'

[*Latin ed. p. 586*]

586 Acta Apostolicae Sedis - Commentarium Officiale. Sponsus, Victor Jürgens, in his testificationibus suis, praebet testimonium abnormis indole mulieris ante matrimonium: « Modus eius agendi, inertis, melanconico et timido, saepe impressionem displicitam mihi faciebat... Mense paulatim perspexi quod indole eius esset mirissima... Saepissime frigida et apathetica apparuit, sine ulla vigilantia et energia. Saepissime de dolore capitis peregrino lamentabatur », etc. Phenomena a testibus relata sunt indices dementiae, sed quaestionem: « Num haec mulier perfecte dementia affecta fuerit ante matrimonium? », non solvunt, quia signa sunt aequivoca, quae ad stadium quoddam initiale morbi referre possunt: eorum interpretatio ad peritos in arte spectat. Ut vidimus in supra expositis, duo medici, qui Ioannam de Hoog ante matrimonium, et a quatuor qui eamdem in primo vel secundo anno post matrimonium curabant, categorice affirmant eam perfecte dementia affictam fuisse ante matrimonium, ita ut liberum consensum nuptialem praestare nequiverit. Alii tres medici ab hoc iudicio haud positive dissentiunt, quorum unus id probabilissimum declarat. Stante auctoritate huius iudicii, a peritis missi, quorum fere omnes aegrotam mulierem per menses integros in Sanatorio observarunt, dicendum est constare de perfecta dementia Ioannae de Hoog ante matrimonium. Probata vero dementia ante matrimonium et subsequenti, dementia concomitans, seu tempore matrimoniali celebrati, iuxta superius in expositis de iure tradita, recte deducitur. Durationem morbi tempore intermedio repetit Sanchesius ex facto quod « morbus furoris, suapte natura perpetuus, insanabilis, ac disperatus sit » (lib. I,

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disp. 9, n. 17), quod peculiari ratione verificatur in iis morbis qui, ut aiunt moderni, radicem habent in « fundo degenerativo » (Borri, l. c, p. 289), inter quos annumeranda est dementia praecox, sive hebefrenica, sive paranoica, qua, iuxta peritorum sententiam, laborabat Ioanna de Hoog. Ad rem ait Borri (l. c, p. 255): « Dal punto di vista della capacità civile, va pure tenuto conto della costituzione fondamentale morbosa di questi soggetti, più che dei criteri superficiali cronologici derivabili dalla decorrenza di un così detto "lucido intervallo". Invece, se nel caso di una forma semplice di mania o melanconia, la privazione della capacità civile, assoluta o relativa, è giusto sia estesa a quel periodo di tempo pel quale la malattia acuta e - diciamo così per intenderci - lo stato di convalescenza sarà per perdurare, tale criterio non reggerà più quando la forma clinica non stia a sè e per sè sola non abbia valore, ma in tanto valga, in quanto sia espressione episodica ricorrente di uno stato morboso costituzionale, cioè a dire, connaturato con l'organismo, persistentere progressivamente aggravantesi ».

[*Latin ed. p. 587*]

587 The Most Holy Mother of God. Having considered all matters both in law and in fact, invoking the name of Christ, We, the Auditors of Tournon, sitting for the tribunal and with God alone before our eyes, declare, pronounce, and definitively judge, answering the proposed question: Affirmative, that is to say, that the marriage is null in this case; and furthermore, that all judicial expenses are to be paid by the plaintiff, Victor Jürgens. Thus We declare, commanding the Ordinaries of the places and the ministers of the tribunals to whom this pertains, that they should enforce this Our definitive judgment, and against those who resist, they should proceed according to the norms of the sacred canons, and especially chapter 3, session XXV of the Council of Trent (Tridentini), employing those means of enforcement which are more suitable and effective for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 15th of May, 1915. Ioannes Prior, Presiding. Aloysius Sincero. Ioseph Mori. L. © From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary. *DIARIO ROMANO DELLA CURIA* SECRETARY OF STATE IN THE NAME OF THE HOLY FATHER, by means of documents from the Secretary of State, the Holy Father has deigned to assign to the new Eminences and Reverend Lords Cardinals who received the cardinal's hat at the public Consistory of December 9, 1915, the following Sacred Congregations: To the Most Reverend Cardinal Giulio Tonti, the Sacred Congregations: of the Sacraments, of the Clergy, of the Affairs of Saint Peter, of Extraordinary Ecclesiastical Affairs, and of the Reverend Fabric. To the Most Reverend Cardinal Alfonso Maria Mistrangelo, the Sacred Congregations: Consistorial, of Religious

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Orders, Ceremonial, and of Seminaries and Studies, Universities.

[*Latin ed. p. 588*]

588 Acta Apostolicae Sedis - Commentarium Officiale

To the Most Reverend Cardinal Giovanni Cagliero, the Sacred Congregations: of Religious Orders, of the Propagation of the Faith, of the Propagation of the Faith for Oriental Rites, and of the Rites.

To the Most Reverend Cardinal Giorgio Gusmini, the Sacred Congregations: of the Sacraments, of the Council, and of the Index, and of the Reverend Fabric of Saint Peter's.

With letters from the Secretariat of State, the Holy Father has deigned to appoint:

December 10, 1915. — The Most Reverend Cardinal Ludovico Billot, Protector of the Institute of the Sisters of Providence of Corenc, in the diocese of Grenoble.

December 11. — The Most Reverend Cardinal Raffaele Merry del Val, Protector of the Institute of the Sisters of Christian Doctrine of Nancy.

December 14. — The Most Reverend Cardinal Raffaele Merry del Val, Member of the Holy Congregation of the Propagation of the Faith.

December 16. — The Most Reverend Cardinal Filippo Giustini, Member of the Holy Congregation of the Rites.

— Monsignor Giacomo Sinibaldi, titular Bishop of Tiberias, Secretary of the Holy Congregation of Seminaries and Universities.

— Monsignor Giulio Serafini, titular Bishop of Lampsacus.

— Monsignor Ascenso Dandini, Vatican canon.

— The Reverend Father Francesco Saverio Hertzog, General Procurator of the Sulpicians.

— The Reverend Father Emmanuele Bailly, Superior General of the Augustinians of the Assumption.

— The Reverend Father Pietro Benedetti, General Procurator of the Missionaries of the Sacred Heart of Jesus.

— The Reverend Mr. Raffaele Ricciardelli, General Procurator of the Priests of the Mission, Consultors of the Holy Congregation of Seminaries and Universities.

NECROLOGY

December 9, 1915. — Monsignor Luigi Raimondo da Silva Britto, Archbishop of Olinda in Brazil.

December 13. — Monsignor Lorenzo Passerini, Patriarch of Antioch of the Latin Rite, Vice-Chamberlain of the Holy Roman Church.

December 15. — Monsignor Teodoro Kohn, titular Bishop of Pelusium.

December 15. — Monsignor Giovanni Stariha, titular Bishop of Antipa-

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trida.

December 18. — Monsignor Giacinto Anaya, Bishop of Cochabamba in Bolivia.

[*Latin ed. p. 589*]

Year Til - Vol. VII, December 8, 1915, No. 21.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF BENEDICT XV, POPE.

LETTER TO REVEREND FATHER JOSEPH TORRAS, INTERNATIONALIST AND BISHOP OF VIC, CONCERNING THE BOOK "EL INTERNACIONALISMO PAPAL," OFFERING CONGRATULATIONS.

Venerable Brothers, greetings and the apostolic blessing.

We have long recognized your studies and services to the Apostolic See, which have been tested by new and not obscure documents, and, by divine mercy, we have been called to the fullness of power. Your recently published book, entitled "El Internacionalismo Papal," greatly increases our admiration for your virtue, and it provides us with a most opportune occasion, which we greatly desire and hope for, to express our will to you.

We have read nothing with greater pleasure: indeed, you have so thoroughly grasped all that we wrote in our Exhortation to the peoples engaged in war and their leaders, that you have penetrated the very depths of our intentions, and you have presented them in such a way that anyone who reads your writings will clearly see and understand the reasons upon which our actions in this entire matter of war are based, and to what extent our exhortations are directed towards peace.

Therefore, we congratulate you on the abundant fruit of your intellect and studies, and we also add our wishes that what you have written may remain for the instruction of your faithful, so that everyone may attain and appreciate, as is fitting, the meaning, the intentions, and the benefits of our thoughts.

May this, which we most earnestly desire, be granted to you, and to us as well, as a reward for our labors, through divine grace.

Heavenly blessings.

ACTA, vol. VII, no. 21. - December 31, 1915.

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[*Latin ed. p. 590*]

590 Acta Apostolicae Sedis - Official Commentary: As a witness to Our benevolence, We impart the Apostolic Blessing to you, venerable Brother, and to your entire clergy and people, with paternal affection in the Lord.

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Given in Rome, at St. Peter's, on the twenty-fifth of November, 1915, in the second year of Our Pontificate. BENEDICT XV

TO THE MOST REVEREND MR. E. VILLETTE, MODERATOR OF THE ARCHISODALITY DEDICATED TO THE AGONY OF OUR LORD JESUS CHRIST AT GETHSEMANE, OFFERING GRATEFULLY WORDS OF VENERATION AND OBLIGATION.

Beloved Son, pious man, health and the Apostolic Blessing.

Your letter and the news it brings announce the growth of the archisodality which you direct, and We desire to bestow Our grace upon it. But know that this most salutary work has not been small in Our sight since We learned of the holy purpose to which it is dedicated, and the pious prayers to which you so diligently urge your members. These daily prayers, which the contemplation of the Passion of Christ makes more fervent, and the very wounds of Christ – pledges of immense love – powerfully commend to the Father, how much, beloved Son, they promise for the Church and for Us! For both, as you see, are beset by many and grave anxieties because of this long and calamitous conflict; and We desire that you and your members, moved by the same concerns, may pray without ceasing, and that you may find many imitators through your example and exhortation, so that, through multiplied prayers to God, more abundant divine assistance may be granted to the Church, which is advancing through so many difficulties.

In the meantime, may Our Apostolic Blessing, a foretaste of heavenly gifts and a witness to Our charity, be with you, beloved Son, and with the other moderators and members of the archisodality, with paternal affection in the Lord.

Given in Rome, at St. Peter's, on the fourth of December, 1915, in the second year of Our Pontificate.

BENEDICT XV

[*Latin ed. p. 591*]

Act of Pope Benedict XV, year 591, third day of the month of July, addressed to Archbishop Jerome Thome da Silva, Archbishop of Saint Savior in Brasilia, and other Bishops, expressing gratitude for most devoted letters.

Venerable Brothers, greetings and the apostolic blessing. Your common letter demonstrates that you, as Bishops, are not only most devoted to the flocks entrusted to your care, for whose sake you are gathered, but also deeply concerned for the entire Church, understanding well how much sorrow now oppresses it because of the daily slaughter of so many of its children, and how grave and numerous are the troubles and injustices that afflict it.

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It is sweet, venerable Brothers, to see this fruit of Christian brotherhood, to embrace those who are absent with love, and to be affected by their concerns and sorrows as if they were our own. And it is also a sign to Us that you do not merely desire peace, which you have long sought, but that you are also, with insistent prayer, daily imploring the merciful Father of mercies to grant it to you. May the divine gifts and Our benevolence be a witness to Our apostolic blessing, which We impart to you all, venerable Brothers, to the clergy and to the people of your diocese, with all Our heart in the Lord.

Given in Rome, at Saint Peter's, on the ninth day of December, in the second year of Our pontificate.

BENEDICT XV.

Act of Pope Benedict XV, year 591, fourth day addressed to the Most Reverend Archbishops and Bishops of Galicia, expressing gratitude for a common, most devoted letter.

Venerable Brothers, greetings and the apostolic blessing. Your common letter commends itself to Us with the significance of piety and devotion, by which we know that the Catholic people of Poland, not only the Bishops, but also the clergy and the people, are setting an example.

Indeed, venerable Brothers, do not think that We wish to grant you anything out of mere affection. The love that We have for your nation is deeply rooted in Our heart; and it is truly remarkable how much this love is now increased by these numerous and grave calamities.

[*Latin ed. p. 592*]

592 Acta Apostolicae Sedis - Official Commentary: We observe, with great sorrow, the afflictions by which you are almost overwhelmed, and we add to these, from Paternum, the pain of knowing that Our benefits have not been sufficient to satisfy the desires of your most beloved hearts. However, we never cease to pray to God, the source of all mercy, that He may be favorably disposed to you, venerable Brothers, and to all of Poloniae, so that He may temper the bitterness of these days and fulfill all legitimate desires. In the meantime, may the Apostolic Blessing, a sign of divine favor and a witness to Our benevolence, be with you all, venerable Brothers, and be imparted to your clergy and people, steadfastly in the Lord. Given in Rome, at St. Peter's, on the tenth day of December, 1915, in the second year of Our Pontificate. BENEDICT XV.

To the Most Reverend Fathers, the Archbishop of Rheims, and the other Archbishops and Bishops of Calabria, assembled together in a yearly meeting.

Venerable Brothers, greetings and the Apostolic Blessing.

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We are pleased to learn, venerable Brothers, that in your common letter, you take pride in the constant exchange of observance and benevolence between the Apostolic See and the Bishops of Calabria. Your words have not seemed to us to be empty boasts, but rather a fervent desire to faithfully follow the excellent examples of your predecessors in piety and diligence. Be praiseworthy: for such a desire, pleasing to God and to Us, will not only bring you a great abundance of benefits, but will also bring you a considerable glory to yourselves.

In the meantime, may the Apostolic Blessing, a sign of divine favor and a witness to Our benevolence, be with you all, venerable Brothers, and be imparted to your clergy and people, steadfastly in the Lord.

Given in Rome, at St. Peter's, on the eleventh day of December, 1915, in the second year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 593*]

Acts of Pope Benedict XV, 593, VI, To John Cardinal Gsernoch, Archbishop of Strigonium, and to the other Archbishops and Bishops of Hungary, expressing profound gratitude for their common letters of obedience.

Beloved Sons and Venerable Brothers, greetings and the apostolic blessing.

And we are deeply grieved by the horrors of this war, and we diligently recall those things which, moved by the charity of Christ, we have undertaken to mitigate and alleviate its calamities; and we promise to commend, with fervent prayers to God, the common desires for peace, day by day.

In your letters and communications, nothing is lacking that the piety of our most beloved brothers desires! And we embrace this with a grateful heart, and in return, we bestow the Apostolic Blessing upon you all, beloved Sons and Venerable Brothers, and upon the flocks over which your care and concern vigilantly extend, abundantly in the Lord.

Given in Rome, at St. Peter's, on the twelfth day of December, in the year 1915, in the second year of Our Pontificate.

BENEDICT XV, Pope.

[*Latin ed. p. 594*]

594 Acta Apostolicae Sedis - Official Commentary

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE

DECREE CONCERNING WHAT IS COMMONLY CALLED "THE SECRET OF LA SALETTE"

It has come to the knowledge of this Supreme Congregation that certain individuals, even from within the ecclesiastical ranks, after disregard-

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ing the responses and decisions of this Holy Congregation, are discussing and treating of the so-called Secret of La Salette, its various forms, and its present or future accommodations, through books, pamphlets, and articles published in periodicals, whether signed or unsigned; and this is done not only without the permission of the Ordinaries, but even in defiance of their prohibition.

In order that these abuses, which are harmful to true piety and greatly injure ecclesiastical authority, may be restrained, this Holy Congregation commands all the faithful of every region not, under any pretext or in any form, namely through books, pamphlets, or articles, whether signed or unsigned, or in any other way, to discuss or treat of the aforementioned subject.

Whoever shall violate this precept of the Holy Office, if they are priests, shall be deprived of all dignities they may hold, and shall be suspended from hearing sacramental confessions and from celebrating Mass by the Ordinary of the place; and if they are laypersons, they shall not be admitted to the Sacraments until they repent.

Furthermore, both shall be subject to the penalties established by Pope Leo XIII through the Constitution *Officiorum et munerum* against those who publish books concerning religious matters without the legitimate permission of their Superiors, and by the decree issued by Pope Urban VIII, *Sanctissimus Dominus Noster*, dated March 13, 1625, against those who spread forth asserted revelations without the permission of the Ordinaries.

However, this decree does not prohibit devotion to the Most Blessed Virgin Mary under the title of *Beata Maria Virginis Assumptae in Caelum, Regina Mundi, Auxilium Christianorum, Spes Nostra, Regina Angelorum, Regina Martyrum, Regina Confessorum, Regina Virginum, Mater Ecclesiae, Mater Divinae Gratiae, Mater Creatoris, Mater Salvatoris, Mater Redemptoris, Mater Humanae Generis, Mater Nostra* commonly called La Salette.

Given at Rome, from the Offices of the Holy Office, on December 21, 1915.

Aloisius Castellano,

Notary of the Holy Roman Church and of the United States of America.

[*Latin ed. p. 595*]

From the Roman Curia Diary 595. DIARY OF THE ROMAN CURIA. HOLY APOSTOLIC PENITENTIARY. APPOINTMENTS. With the letter of His Eminence, the Most Reverend Cardinal Penitentiary Major, the Holy Father has deigned to appoint: December 21, 1915. — Monsignor Giulio Serafini, titular Bishop of Lampsacus, Canonist of the Holy Apostolic Penitentiary. SECRETARY OF STATE. APPOINTMENTS. With letters from the Secretary of State, the Holy Father has deigned to appoint: December 20,

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1915. — The Most Eminent Lords Cardinals Gennaro Granito Pignatelli di Belmonte, and Giulio Tonti, Members of the Cardinal Commission for the Work of the Preservation of the Faith in Poma. — Monsignor Roberto Vicentini, Promoter of Justice at the Tribunal of the Holy Roman Church. December 24. — His Eminence Cardinal Guglielmo Van Rossum, Protector of the Institute of Poor Religious Sisters of Our Lady. December 27. — The Reverend Father Giuseppe Rossino, Substitute of the Holy Congregation for Seminaries and Universities of Studies, for the Section of Seminaries. Apostolic Protonotaries, as if participating: October 7, 1915. — Monsignor Michele F. Fitz Simmons, of the archdiocese of Chicago. December 3. — Monsignor Giovanni Pio dos Santos, of the archdiocese of Rio de Janeiro.

[*Latin ed. p. 596*]

Acts of the Apostolic See - Commentary 596. Official Prelates of the Domestic Church: October 7, 1915. — Monsignor Luigi F. Thiele, of the archdiocese of Chicago. December 2. — Monsignor Isauro de Aranjo Medeiros, of the archdiocese of Rio de Janeiro. December 4. — Monsignor Giuseppe Delaney, of the diocese of Albany. December 14. — Monsignor Daniele Giacomo Gercke, of the diocese of Cáceres. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Pius: November 27, 1915. — To the Most Noble Prince, Dom Giuseppe Aldobrandini. December 16. — To the Most Noble Prince of Solofra, Dom Domenico Orsini. The Grand Cross of the Order of Saint Sylvester the Pope: December 4, 1915. — To Mr. Antonio Gomez Restrepo, Under-Secretary of the Ministry of Foreign Affairs of Colombia. The Commander of the Order of Saint Gregory the Great, civil class: December 17, 1915. — To Mr. Vincenzo De Giovanni, Duke of Saint Severina, of the archdiocese of Naples. — To Mr. Manuel Coicoya y Vigil Escalera, of the diocese of Oviedo. The Knighthood of the Order of Saint Gregory the Great, civil class: December 13, 1915. — To Mr. Ernesto Lécuyer, of the diocese of Coutances. The Knighthood of the Order of Saint Sylvester the Pope: December 14, 1915. — To Mr. Augusto Florio, of Rome. December 17. — To Mr. Antonio Tornaus, of Rome. NECROLOGY. December 20, 1915. — Monsignor Federico Edmondo Fuzet, Archbishop of Rouen.

[*Latin ed. p. 597*]

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ACTS OF POPE BENEDICT XV.

[*Latin ed. p. 599*]

INDEX OF DOCUMENTS ARRANGED CHRONOLOGICALLY, YEAR, MONTH, DAY:

L - ACTS OF POPE BENEDICT XV.

I. - APOSTOLIC CONSTITUTIONS.

1915, February, March, July 1, 21, 11, August 10. From the acts, in due time.

- Concerning the Suburbicarian Dioceses, the Monastery of Subiaco.

- Concerning the Monastery of Subiaco.

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- Concerning the chaplains or choral singers of the Liberian Basilica, the "Incruentum altaris" (altar without bloodshed).

- Concerning the thrice-daily recitation on the solemn day of the Commemoration of all the Faithful Departed.

II. - CHIROGRAPH.

1915, After having considered the matters presented.

- At the request of His Eminence, the Prefect of the Sacred Tribunal of the Apostolic Signatura, its competence is more clearly defined and increased, "June III."

III. - MOTU PROPRIO.

1914, 1915, December 31, September 16, November. Not long after.

- Concerning the Roman Academy of Saint Thomas.

- Since.

- What indulgences are to be granted to the Holy Congregation of the Holy Office?

- Seminaries of clerics.

- A new Sacred Congregation is founded, "for Seminaries and for Universities of Studies."

IV. - APOSTOLIC LETTERS.

1914, December 31, 1915, August 12, December. From the Roman Pontiffs.

- The "Bulla Cruciata" (Bull of Indulgence) is renewed for ten years for places subject to the dominion of Portugal. As the present danger.

- The "Bulla Cruciata" is renewed for twelve years for places subject to the dominion of Spain.

- Nothing is more fitting.

- A certain prayer to the Most Sacred Heart of Jesus is granted an indulgence.

[*Latin ed. p. 600*]

600TH ANNIVERSARY Index of Documents MONTH DAY PAGE V. - EXHORTATION. 1915 When we were called. - To the warring peoples and their leaders, July 365 VI. - DECREES. 1915 January 10 July 30 Decree. Prayers to be recited on certain days for peace are prescribed. Decree concerning holidays in the Sacred Congregations, Tribunals, and Offices of the Holy See. . . 8 378 VII. - LETTERS. 1914 December 1915 January February March 20 We rejoice greatly. - To the Reverend Father

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Eugene Couet, General Moderator of the Congregation of the Most Holy Sacrament and the Association of Adorers, concerning the Canadian group of Adorers. To the Reverend Father Ubaldo Mannucci, expressing gratitude for the double act of veneration. . . . 20 Cardinal Francis Dubillard. - To Hector Ireneus Cardinal Sévin, Archbishop of Lyons, whom we have appointed Moderator of the priestly federation "for the Pope and the Church." To Our Own Heart. - To Peter Cardinal Gasparri, of the Secretariat of State, commending the children whom the recent Apulian earthquake has rendered orphans. . . 1 Opinion. - To the Reverend Father Edward Likowski, Archbishop of Gnesen and Posen, concerning the miserable condition of Poland due to the war. 12 Recently brought to our attention. - To James Cardinal Gibbons, Archbishop of Baltimore; John M. Cardinal Farley, Archbishop of New York; William Cardinal O'Connell, Archbishop of Boston, and other archbishops and bishops of the federated states of America, we congratulate them on the solemnity marking the completion of the 25th year since the founding of the Catholic University of Washington. 14 With your new. - To the Reverend Father John Ireland, Archbishop of St. Paul of Minnesota, concerning the new cathedral of Paulopoli, which will soon be dedicated. 17 We are daily informed. - To James Cardinal Gibbons, Archbishop of Baltimore, we praise the outstanding charity of the Catholics of the federated states of America towards the poor inhabitants of the nation of Mexico, who are afflicted by civil disturbances. We suggest this to you. - To the Reverend Father Charles Grannan, we congratulate him on having deserved well of the Pio Latino-American College. 165 89 90 91 166 167 168 169

[*Latin ed. p. 601*]

In chronological order:

YEAR MONTH DAY

1915 March 21: Two books. – To Reverend Father Francis Naval, a priest from the Missionaries of the Immaculate Heart of Mary, expressing gratitude for the two books presented, and offering praise.

April 14, 15, 19, 20, 23, 27: Gratitude is expressed to Reverend Father Joseph Bellino for the reverent presentation of a copy of the work "Jesus Christ in the Holy Scriptures and in the Holy Fathers and Doctors."

May 25: Your gift. – Gratitude is expressed to Reverend Father Paschal Mor-ganti, Archbishop of Ravenna, for the books reverently presented.

To Cardinal Andrea Ferrari, Archbishop of Milan, congratulations are offered on the twenty-fifth anniversary of his episcopal ministry.

To Reverend Father Joseph Scatti, Bishop of Savona and Noli, gratitude is expressed for the solemn celebrations in honor of our Lady of Mercy, even now.

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To Louis N. Cardinal Bé-gin, Archbishop of Quebec, congratulations are offered on the same episcopal jubilee.

To the Archbishops and Bishops of Australia, gratitude is expressed for the buildings acquired and equipped by the Apostolic Delegate.

To Reverend Father Michael F. Eorum, Bishop of Treves, gratitude is expressed for the most diligent letters and for the petrine support.

To Reverend Father Matthew Crawley Boevey, a priest from the Congregation of the Most Sacred Hearts of Jesus and Mary: Regarding the consecration of individual Catholic families to the Most Sacred Heart of Jesus. Common letters.

To Cardinal Francis de Bettinger, Archbishop of Munich and Freising, and to the other Bishops of Bavaria, gratitude is expressed for the common letters of obedience.

To Reverend Father Silverius a S. Teresia, a priest of the Order of Discalced Carmelites, gratitude is expressed for the first volume of the work "Mystical Library of Carmel" presented.

To Cardinal Anthony Mendes Bello, Patriarch of Lisbon, congratulations are offered on his sacerdotal jubilee.

To Cardinal Seraphinus Vannutelli, Bishop of Ostia, Porto and Santa Rufina, Dean of the Sacred College of Cardinals, regarding the grievous events of the present time with religious families.

To Reverend Father Francis Vido, a member of the society assisting the sick, page 601.

[*Latin ed. p. 602*]

Index of Documents 602. YEAR 1915. MONTH OF May. DAY 30. June 18. July 20. August 10, 15, 17, 30, 31. September 12, 17. Page. Completed General. The members are urged to persevere with zeal in the Institute, as stated in recent letters.

- To Joachim Cardinal Arcoverde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, and to other archbishops and bishops of southern Brazil, to express our congratulations for the great unanimity with which they serve the good of their dioceses. With grateful remembrance.

- To the Reverend George Triller, Urban Prelate, President of the group for publishing Catholic writings in Bavaria, for the occasion of his approaching fiftieth anniversary.

- To Franciscus a Paula S. R. E. Cardinal Cassetta, Bishop of Tusculanum, to offer congratulations on the completion of his fiftieth year of priesthood. He has rendered us great service.

- To the Reverend Marianus Anthony Espinosa, Archbishop of Buenos Aires, and to other bishops of the Republic of Argentina, regarding the

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sacred national shrine of Argentina in the City. Best wishes.

- To the Reverend Hyacinthus Petroni, Secretary, General Director of the missions of the Precious Blood, on the occasion of the hundredth anniversary of the founding of the society. May he be blessed.

- To the Reverend Andrea Frühwirth, titular Archbishop of Heraclea, Apostolic Nuncio in Bavaria, to congratulate him on the completion of his seventieth year and to wish him all good things. We are your witnesses.

- To Andrea Cardinal Ferrari, Archbishop of Milan, on the occasion of the annual meeting of the bishops of the province of Milan. With most respectful letters.

- To the bishops of Switzerland, on the occasion of their annual meeting. We are with you in spirit.

- To John Cardinal Csernoch, Archbishop of Gran, for the letters of obedience presented by His Eminence. We are with you.

- To Joachim Cardinal Arcoverde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, on the completion of his twenty-fifth year as bishop, as we are with you.

- To Felix Cardinal De Hartmann, Archbishop of Cologne, and to the bishops who attended the annual meeting in Fulda. We offer our best wishes.

- To our beloved sons, the president and members of the group, for the solemn celebrations in Canada marking the third century since the acceptance of the Catholic Faith. We offer our best wishes.

- To Raphael Mary Carrasquilla, Urban Prelate, Director of the Major Seminary of Bogotá in Colombia, now called Rosario.

[*Latin ed. p. 603*]

In chronological order:

YEAR 1915

MONTH OCTOBER: DAY 17, 20

NOVEMBER: 10, 25, 30

DECEMBER: 10, 11, 12

In the twenty-fifth year of his governance: "Nothing is ours."

To His Eminence Julius Cardinal Boschi, Archbishop of Ferrara, and other bishops of the region of Flaminia: He writes in response to their letters, given on the occasion of their annual meeting... "We plainly see."

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To the Most Reverend Father Adulphus, Bishop of Breslau, to congratulate him on his diligence in governing the diocese. "Joyful, sorrowful."

To His Eminence Augustine Cardinal Richelmy, Archbishop of Turin, and to the bishops of Piedmont, to congratulate them on the successful celebration of their annual meeting, the Feretrana Synod.

To the Most Reverend Father Raphael Santi, Bishop of Feretrana, to whom he offers congratulations on the diocesan synod successfully concluded. "Your community."

To the Most Reverend Fathers and Doctors, Louis Gavotti, Archbishop of Genoa, and other bishops of Liguria, regarding letters presented by His Beatitude on the occasion of their annual meeting. "We have long observed."

To the Most Reverend Father Joseph Torras y Bages, Bishop of Vich, regarding the book "El internacionalismo papal," he offers congratulations. "Gladly from you."

To John "Baptist" Menghini, master of pontifical ceremonies: He offers congratulations for the volumes on liturgical matters presented by His Beatitude. "Your letter."

To the Most Reverend Father E. Villette, director of the archisodality dedicated to the Agony of Our Lord Jesus Christ at Gethsemane, expressing gratitude for letters filled with veneration and obedience. "Your community."

To the Most Reverend Father Jerome Thomé da Silva, Archbishop of São Salvador in Brazil, and other bishops, expressing gratitude for their most dutiful letters. "Your community."

To the Most Reverend Fathers and Doctors, Archbishops and Bishops of Galicz, expressing gratitude for their communal letter of obedience. "Your affairs."

To the Most Reverend Father Rinaldus C. Rousset, Archbishop of Reggio, and other archbishops and bishops of Calabria, gathered together for their annual meeting. "And horrifying."

To His Eminence John Cardinal Csernoch, Archbishop of Gran, and other archbishops and bishops of Hungary, expressing gratitude for their communal letters filled with obedience. "603."

[*Latin ed. p. 604*]

Index of Documents 604 YEAR MONTH PAGE DAY VIII. - ADDRESSES. 1915 January December. To convene you. - Delivered in the Consistory ..... You certainly know. - Delivered in the Consistory . . . . . 33 509 IX. - SERMON. 1915 February 15. On preaching. - To the preachers of Lent and to the beloved pastors of the City . . . . . II. - ACTS OF THE SACRED CONGREGATIONS I. - SACRED CONGREGATION OF THE HOLY OFFICE. 1915 April 3. Letters to the Most Reverend and Most Reverend Cardinal

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Archbishop of Paris, concerning the cult of the most sacred Eucharistic Heart of Jesus. December 21. Decree concerning what is commonly called the "Secret of La Salette." 205 594 SECTION ON INDULGENCES. 1915 January. February. April. May 21. Decree. The prayer for peace proposed by the Most Holy Father is granted an indulgence of 300 days. 28. Decree. The altar is granted a privilege for Masses celebrated in suffrage for those who, having perished in the present war, are detained in Purgatory . . . . . 4. Decree. A certain clause is repealed in favor of priests who devoutly offer candles during wartime. 15. Decree. The indulgence for a certain devotion to the Most Holy Sacrament is increased and extended . . . . . 6. Decree. The pious exercise of reciting the Rosary on the third Wednesdays before the feast of Saint Dominic is granted a plenary indulgence. Decree. An indulgence of 300 days is granted to those who recite pious prayers in honor of the Five Wounds of the Lord. June 10 17 July 8. Decree. Certain doubts concerning the faculties and privileges of the secretaries of the pious Works of the Propagation of the Faith, of Saint Francis de Sales, and of the Holy Childhood are resolved. Decree. Certain doubts concerning the indulgences attached to the Apostolate of prayer are resolved. Decree whereby the decree of the Sacred Congregation of Indulgences of March 12, 1855, concerning the application of the altar privilege, is confirmed. Decree. The indulgence attached to a certain ejaculatory prayer is amplified, so that it may be acquired as often as possible. 65 66 207 233 409 410 411

[*Latin ed. p. 605*]

In chronological order:

YEAR MONTH DAY

1915 August 5

October 1

November 11

November 25

605 Decree. It is granted to priests to bless the medals of Saint Benedict for those serving in the military.

Decree. Indulgences are granted to those who recite certain prayers for peace.

Decree. The invocation to the Blessed Virgin of the Most Holy Rosary grants an indulgence of 3 days.

It is granted the faculty of applying indulgences of the Via Crucis to crucifixes, for the benefit of the military, during the war.

Decree. The pious exercise of the fifteen days in honor of Saint Dominic may be performed at any time of the year.

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II. - SACRED CONGREGATION CONSISTORIAL.

April 6, 1914

December 12, 1915

January 15

January 22

January 31

February 22

April 24

May

June 27

June 26

July 1

July 28

July 5

July 14

The administration of the parishes of the Abbey of Saint Benedict of the Old is entrusted to the Bishop of Eugubino.

Decree concerning the ordinary jurisdiction to be established in the town of Polla.

Decree concerning the prohibitions for noble families regarding titles and emblems on the inscriptions and arms of bishops.

Secret Consistory.

Notification concerning the Missionaries of the work "For the assistance of Italian workers migrating to foreign regions of Europe."

To the Most Reverend Ordinaries of America, concerning the care of Italian emigrants.

Declaration concerning the Consistorial decree of January 25, 1911.

Erection of a mitigated Abbey.

Erection of a new Apostolic Prefecture.

Decree concerning the military Bishop in Italy during the war.

STATES OF THE UNITED STATES OF NORTH AMERICA.

Concerning the suppression of parishes.

Doubt concerning the competence regarding the faculty of granting parishes to religious.

Decree of nominal excommunication against the priest Richard O'Halloran, residing in the archdiocese of Westminster.

I. - SACRED CONGREGATION FOR THE DISCIPLINE OF THE

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SACRAMENTS.

1914
1915
December
February 18
March 22
April 29
Concerning the presumed death of a spouse.
Decree concerning the Holy Communion and the celebration of Mass in military camps.
From Meliten.
Doubts concerning the faculty of Ordinaries to permit the celebration of Mass in the manner of an act.
Concerning the presumed death of a spouse.

[*Latin ed. p. 606*]

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ANNO MENSE

l 1915 » Maii Iun. » »

DIE PAG.

28 411
• De facultate adservandi SSm. Eucharistiam in stativis castrorum valetudinariis ac in bellicis navibus.
Praesumptae mortis coniugis. . . 329
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IV. - SACRA CONGREGATIO CONCILII.

1913 » 1914 » » » 1915 » » »
Febr. Maii Apr. Iul. Dec. » Ian. » Febr. Iul; Oct.
8 24 25 11 12 16 16 18 22 7 15
45 173 382 98 67 26 416 209 262 388
Dubia circa trium missarum celebrationem in die sollemni commemorationis omnium fidelium defunctorum.
479

V. - SACRA CONGREGATIO DE RELIGIOSIS.

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1914 1915 » Aug. Mart. Aug.
18 .1 3
Dubia circa interruptionem studiorum 104 123 439

VI. - SACRA CONGREGATIO DE PROPAGANDA FIDE.

1914 Dec. 12
1915 Ian. 15
Decretum. Declarantur fines vicariatuum apostolicorum Mongoliae orientalis et meridionalis . . . .
Decretum. Immutatur titulus vicariatuum apostolico-
» Febr. 12
Decretum. Erigitur Praefectura Apostolica « de Sap-
» Mart. 9
Decretum. Erigitur Praefectura Apostolica Zambesiana
» » 10
Decretum. Limites Praefecturae Apostolicae Senega-
113 47 114 148
» » Iun. » » » Iul. » Aug. 21
Decretum de limitibus inter Vicariatus Apostolicos Ton-Kin meridionalis et Ton-Kin maritimi in mon-
30
Decretum. Confirmatur electio Abbatis Novae Nursiae
15
Decretum. Societas pro Missionibus exteris apud Maryknoll in Foederatis Americae septentrionalis Statibus instituta, laudatur, eiusque Constitutiones
18
Decretum. Immutatio nominis vicariatus apostolici
330 331 . 421 440

[*Latin ed. p. 607*]

In chronological order:

Year Month Day VII. - HOLY CONGREGATION OF THE INDEX. April 12. Decree by which certain works are prohibited.

VIII. - HOLY CONGREGATION OF RITES. December. January, February, March, April, May, June, July, August, October, November 15. MOLINEN. Decree concerning the beatification and canonization of the Servant of God, Louise Thérèse de Montaignac de Chanvanee, foundress of the Pious Union of Oblates of the Sacred Heart of Jesus. Concerning the collection for a grave matter.

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ROMANA. - Declaration and extension of insignia.

30 ROMANA. Doubt. Decree concerning the beatification or declaration of the martyrdom of the Servants of God, Dermit O' Hurley, Archbishop of Cassel; Cornelius O' Devany, of the Order of St. Francis, Bishop of Down and Connor; Terence Albert O'Brien, of the Order of Preachers, Bishop of Imola, and their companions.

20 VERAPOLITANA. Doubt. Concerning the beatification of the Servant of God, Charles Dominic Albini, of the Congregation of Oblates of the Most Blessed Virgin Mary Immaculate. Decree to introduce the cause.

15 Decree. Certain votive Masses are permitted during the present war.

12 CONSTANTINOPLE. Decree concerning the beatification for martyrdom of the Servant of God, Der Gomidas Keumurgian, also known as Cosmas of Carboniano, Armenian priest and parish priest.

14 Doubt concerning hypermetric syllables with regard to singing.

9 Concerning the identity and authenticity of the relics of St. Victor, Martyr, and St. Satyrus, Confessor.

2 Doubts.

24 Decree concerning images of the blessed exposed for public veneration.

11 OF THE CITY AND THE WORLD. Decree concerning three Masses to be celebrated on the solemn Commemoration of all the faithful departed.

ROMANA. Concerning the octave of the feast of the Holy Apostles Peter and Paul.

10 MEDIOLAN. Concerning three Masses to be said on the day of the Commemoration of all the faithful departed by priests of the Ambrosian rite.

Decree concerning the prayers to be recited at the end of Mass.

APPENDIX. February. Concerning suffrage for the dead in the Tripolitan War.

[*Latin ed. p. 608*]

608 YEAR Index of documents MONTH PAGE DAY IX. - HOLY CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS. 1915 » » May August November 4 m 16 Concerning the faculties of chaplains of the Belgian army. . . Concerning the military vicar at the Belgian army. . . Concerning the addition of the invocation "Queen of Peace, pray for . . . 463 498 X, - HOLY CONGREGATION FOR STUDIES. 1915 March 12 Statutes of the Roman Academy of Saint Thomas Aquinas, revised by the order of His Holiness Pope Benedict XV, by the Motu Proprio "Not long after," dated December 31, 1914 128 III. - TRIBUNALS I. - HOLY APOSTOLIC PENITENTIARY. 1915 February 6 » March 11 » May 25 » » » 29 4 December. Declaration concerning absolution to be granted to soldiers

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called to battle. Concerning priests who are not chaplains and who belong to the army, regarding the faculty of hearing the confessions of the faithful during wartime. Decree concerning the faculties granted to priests belonging to the Italian army during wartime. Doubt concerning soldiers in a state of military service. Declaration concerning the faculties granted on December 18, 1914, and on March 11 of this year. 130 281 282 526 APPENDIX. 1888 March. . 390 NUCERINA PAGANORUM. LONDONEN. Vicariate Apostolic of SWEDEN. Nullity of marriage (Hoogland-Waern). 30 MELEVITANA. Nullity of marriage (Galla-Mullen). Citation by edict. 14 Causes heard under seal. 22 BENEVENTANA. Precedence. FLORENTINA. Nullity of marriage (Marchio-Bini). Citation by edict. 181 13 Concerning the singing of the hymn "Te Deum" during wartime. . . II. - HOLY ROMAN ROTA. 1914 » July August » » » December 1915 January » » » February 27 5 19 73 51 57 151 1 83

[*Latin ed. p. 609*]

In chronological order:

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5 15
16
APRIL.
17 20
MAY.
9
15
6
15
JULY.
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NEO-EBORACENSE.
Causes concerning the nullity of marriage (Boni de Castellane-Gould).
LIMBURGENSE.
Causes concerning contumacy.
FLORENTINA.
Causes concerning rights in sepulchers.

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LUGANENSE.

Causes concerning rights.

NICIENSE.

Causes concerning the nullity of marriage (Massier-Gauthier).

TAURINENSE.

Causes concerning legal patronage.

VICENTINA.

Causes concerning exemptions and funerals.

MEDIOLANENSE.

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618. An index that does not require an accounting of its administration does not lose its rights. 178 sq. A theoretical error concerning the goods of marriage does not invalidate it. 452. Archbishop Marianus Antonius Espinosa of Buenos Aires, together with other bishops of the Republic of Argentina, receives a letter concerning the sacred nation of Argentina in the City [Rome], 406. "Ethnographic Studies." A model decree is sent to American bishops regarding the favor shown to Italian immigrants. 146. In the Eucharist, there is no distinction between the worship of the Eucharist itself and the worship of the Sacred Heart of Jesus. 205 sq., cf. Heart. The faculty of celebrating the Eucharist is granted in military hospitals and on warships, under certain conditions and with precautions to be established by the military bishop. 329. The bishop of Eugubium is decorated with the title of Abbot of Saint Benedict the Old. 173. Exemption: its definition; a certain right or privilege. 335; a hospital is exempt from the jurisdiction of the parish in which it is located. 335; a double exemption, with regard to temporal administration and with regard to spiritual care. 335. An apostolic exhortation to warring peoples and their leaders, cf. Peace. "Ex parte," Constitution Clementis XIII, September 30, 1760. 240. Expectations granted by the Council of Trent. 384 sq. P. Faberi, cf. Stampa. Catholic families are to be consecrated to the Sacred Heart of Jesus. 203. The dangers of this age against the constitution and sanctity of the family. 204. Those who have consecrated themselves to the Sacred Heart enjoy the same indulgences that Pope Pius X granted to Chilean families in 1913. 205. Autumn holidays in the Holy Congregations, Tribunals, and Offices of the Holy See run from August 20th to October 10th, but no office is closed, so that in each office, some senior and junior officials are present to carry out business. 378. Saint Andrew E. Ferrari, Cardinal, participates in the ceremonies at the Basilica of the Most Merciful Savior in Savona as a bishop. 202, cf. Scatti; he receives a letter in which the bishop congratulates him on the 25th anniversary of his episcopal ministry. 255; another letter on the occasion of the annual meeting of the bishops of the province of Milan. 458. Feasts in which a collection is taken; in cases of urgent necessity, the collection is omitted. 27, 28. Saint Bartholomew the Apostle, Corpus Christi, the Dedication of

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a Church, Saint John the Baptist, cf. Mass. "The Sacred Priesthood for the Pope and the Church," of which he was the moderator in France, Cardinal Dubillard. 89; he is succeeded by Cardinal Sévin, cf. Sévin; the bishop encourages the federated priests to demonstrate the work of the Holy Pontiff in social matters. 90. The diocese of Fortaleza is divided into two, one of which will be Sobral, and it is raised to the metropolitan dignity, to which the dioceses of Sobral and Crato are suffragan. 571, cf. Olindensis. Fossanense Chapter, cf. Media annata. Franciscan martyrs. 127. Saint Francis de Sales (Opus), cf. Propagation of the Faith. "Frauenfrage (Die)," cf. Mannucci. Andreas Frühwirth, Archbishop of Heraclea, Apostolic Nuncio in Bavaria, receives a congratulatory letter on the occasion of his seventieth birthday. 433; he is created Cardinal of the Holy Roman Church. 513. Funeral ceremonies or the Mass for the dead may be celebrated for those who died in battle on days permitted by the rite and may be celebrated by any priest, even one who is not in the dignity of a priest, without any funeral prayer. 390. The right to bury and inter in hospitals is governed by the chaplains according to the principles established for exemption. 338; it includes three things in order of execution. 342 sq.; cf. Exemption, Hospital. How it can be obtained. 189. During wartime, it belongs exclusively to the chaplains of the military for soldiers who die in hospitals erected for this purpose. 388; the funeral rites must be performed in the chapel of the hospital, and the body must be taken to the cemetery without pomp. 388. Philippus Funk, his work "Von der Kirche des Geistes" is included in the Index. 180.

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letter praising the outstanding charity of the Catholics of the United States towards the suffering inhabitants of Mexico, afflicted by civil disturbances, 168. Monsignor Carolus Grannan receives a congratulatory letter for his merits in the Latin American Pio College, 169. The Gregorian chant is restored to its former beauty by the Motu Proprio of Pope Pius X, 317, v. Liberiana. Gualdo Tadino: Its collegiate church of Saint Benedict is elevated to the dignity of a cathedral for honor only, so that the bishop may be called and should be called the Bishop of Nuceria and Tadina, 122. Monsignor Georgius Gusmini, Archbishop of Bologna, is created a Cardinal of the Holy Roman Church, 513. The bishops of Switzerland receive a letter on the occasion of the annual meeting, in which the Holy Father praises the leaders of the Swiss Republic and the people, who best support the Pope's efforts to achieve peace and to mitigate the damages of war, 434. "Het Offer" periodical, v. Van den Berg. Martyrs of Ireland: The introduction of their cause is signed by the Holy Father, 128. The Order of Saint John of Jerusalem, v. Tituli. Spain had the privilege of celebrating three Masses on the Commemoration of All Faithful Departed, as did Lusitania, 402, v. Missa. The hospital for the sick enjoys a certain exemption from parochial jurisdiction, 335; this exemption is a privilege, 335; how, in common law, the parish priest's jurisdiction remains, 336; the exemption of the hospital chaplain must be proven, 336. Sources of exemption: privilege and prescription, 336 sqq. Which custom is sufficient and required in the case, 337. Hypermetric syllables, with regard to chant, are omitted, especially if it is considered easier and more convenient in practice, 237. Jericó: A new diocese is separated from the southern part of the diocese of Antioquia in the Republic of Colombia, 121. Its boundaries and its parish, 121. Martyrs of the Society of Jesus, 127. Images or statues of the Blessed, publicly exposed for veneration, cannot be removed by the authority of the Ordinary if there was an apostolic indult for their exposition, or a greater one for celebrating the feast of the Blessed with Office and Mass, 389. A plenary indulgence for the deceased can be obtained from a privileged altar, v. Altare. Indulgences are granted: — a plenary indulgence for pious exercises for obtaining peace, 9; — 300 days of prayer for peace proposed by the Holy Father, 65; — 300 days, as many times as, for a certain pious act in honor of the Most Holy Eucharist, 207; — a plenary indulgence for a pious exercise on the 15 weekdays before the feast of Saint Dominic, 232; — 300 days for a certain prayer in honor of the five wounds of Our Lord Jesus Christ, 233; — an amplified prayer: O Jesus, eternal life, etc., 411; -

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den Books on April 12, 1915: Cyrillus Macaire, La Constitution divine de l'Eglise; Philipp Funk, Von der Kirche des Geistes; Alphonse Saltsmann, Les remèdes divins pour l'âme et le corps; Pierre de Coulevain, Le roman merveilleux, 180. Edward, Archbishop of Gnesen and Posen, receives a letter concerning the miserable conditions in Poland due to the war, 91. The letting and hiring of labor, what it is, 530 sqq.; concerning its wages, 531; concerning the negligence of the lessor of labor, 532. The library of the University of Louvain, which is to be restored, following the footsteps of its predecessors, contains books.

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622 Index analyticus rerum notabilium: The Most Reverend Cardinal Anthony, Patriarch of Lisbon, receives a letter congratulating him on his sacerdotal jubilee, 285; — see also Cruciatae. John Baptist Menghini, Master of Pontifical Ceremonies, receives a letter of congratulations for having offered volumes on liturgical matters to the Most Reverend, 569. Revenue of the episcopal see: Funds received during the vacancy of the see, while an Apostolic Administrator is in office, to which they should be allocated, 45. Of these funds, half belong to the episcopal see itself; the other half belong to the succeeding bishop, 47. Fear: How it dissolves marriage, 350; it is grave in itself, relates to the person, proceeds from a free cause, is unjust and aimed at extorting consent, etc., 350; it must be proven by the one who alleges it, 350; it weakens the will and excludes consent, 425, even if it proceeds from reverence and from an external cause or from a person, 425 sqq.

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Mexicans, see Gibbons. Assistance to Italian migrant workers in foreign lands: A Society is entrusted with this task, under the honorary presidency of the Bishop of Vicenza, 95; the bishop seeks out missionary priests to be sent to foreign regions among the Italian migrants, after hearing from the Ordinaries of the origin of the priests and the place to which they are being sent, and whether this is with the approval of the Sacred Consistory, 95 sq.; he will watch over them himself or through visitors, and especially through the local Ordinaries, 96; the missionaries are entirely dependent on these local Ordinaries, 96; the bishop can also transfer and recall them for just cause, 96, informing the local and originating Ordinaries, and the Sacred Consistory, 96; regarding transfers, the priest and the local Ordinaries from whom and to whom he is being transferred should be notified, 96; the Sacred Consistory should also be consulted if any difficulty arises, 96. "Militantis Ecclesiae": What the Constitution of Innocent X decreed concerning the arms of Cardinals of the Holy Roman Church, 172, see Titles. Soldiers called to war (on the front lines) may receive the Holy Eucharist in the form of Viaticum, 97; in war, they may be absolved with the general formula, or common absolution, when their number is so great that each cannot be heard individually, after having made due acts of contrition, 72; those thus absolved may receive the Eucharist, provided that they are obligated to confess properly in due time, after the danger has passed, 72; they may also be absolved by any priest, even not a military chaplain, provided that he has the permission of his own or another Ordinary to hear confessions, which has not been revoked, 130; in a state of mobilization, they may be considered to be in the same situation as those facing the danger of death, so that they may be absolved by any available priest, 282. — Regarding the deceased: The Most Reverend is concerned for the souls of the deceased, and for this reason allows three Masses to be celebrated by all priests on November 2nd, 403. — Priests may hear the confessions of all those who are serving in the army, and may absolve them all properly, without any reservation, 281. Minister of the altar or of the Mass: Anyone, whether cleric or layperson, who serves at the altar during Mass, 71. Sanctuary of Our Lady of Mercy in Savona, see Scatti. Mass: It may be celebrated in a private home on any day permitted by the Ordinary, as an act of piety, 147; the Ordinary may also permit it for those who enjoy the Indult of a domestic oratory, even on days for which the Indult is excepted, 147. — It is also to be offered for the people on March 19th (but not on the fourth Thursday before the third Sunday after Easter, on which the feast of the Patronage of St. Joseph is celebrated), also on Thursday on the feast of the Most Holy Body of Christ, and on June 24th, on the feast of St. John the Baptist, 26 sq. — In the diocese of Pavia, it will be offered on August 25th, on the feast of St. Bartholomew, permanently transferred because of the coincidence with the feast of the Dedication of the cathedral church on the 24th of the same month, 26 sq. — It is permissible to celebrate it on feast days that have

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[*Latin ed. p. 624*]

624. An analytical index of notable matters that have not reached the Pope's knowledge, which it is greatly important for him to know, 512. This cruel and ever-increasing slaughter of people, and the condition of the Apostolic See which is constantly deteriorating, grieves the heart of the Holy Father and his brothers. However, hope must be placed in God, who is rich in mercy, that He may finally put an end to these evils, 512. Furthermore, the Holy Father announces that he will co-opt into the College of Cardinals the most distinguished men from both the clergy, in equal numbers, who have deserved well of the Church through various offices and sacred duties, 512; he mentions their names, 513; see, for example, *Sermonario breve* and *Teologia Ascetica y mystica*, 170. The Neogranatense provincial council: what was determined therein regarding the administration of ecclesiastical affairs, 132. "You know," the allocution given in the secret Consistory on December 6, 1915. In it, the Holy Father laments the loss of several Cardinal Fathers by death, all the more so because he himself governs the Church in these turbulent times, 509 sq. He also laments the accumulated ruins of sixteen months due to the nefarious European war, 510; he pities the fate of the Armenian people, 510. He recalls that letters were sent to the warring peoples and their leaders, which were received with respect but without the hoped-for results, 510. As the Vicar of Christ, King of Peace, and Prince of Peace, the Holy Father is increasingly anxious for the sake of his children, and earnestly begs God to put an end to the conflict, 510. He indicates one thing that could lead to the end of the war, namely, that what appears to benefit only one side should not be sought: that councils, desired by both sides, be presented and explained so that what harms justice and exceeds all bounds may be removed, 510; that compensations

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be admitted, 511; as in any human dispute, something must be remitted and conceded for the hoped-for benefit of both sides: if they do not do so, they will have to answer before God and men for such a bloody conflict, 511, from which the causes may arise that Europe falls from the level of humanity it has achieved through religion, 511. Furthermore, the Holy Father speaks of the inconveniences that the war has brought to the Holy See, 511, since the Roman Pontiff is in a condition in which he cannot fully enjoy his freedom. The Holy Father admits the willingness of the civil authorities of Italy to remove these inconveniences, but this very fact demonstrates that the fate of the Roman Pontiff depends on civil power, and therefore is one that can change with the change of men, 511. Among the more serious difficulties, the Holy Father recalls the departure of some of the legates of foreign princes, for the sake of protecting their office and dignity, 511. But it should not be judged that the Roman Pontiff acts only for those whose voices he can hear, 512; but it is not denied that many of these things are due to Tonti, Mistrangelo, Cagliero, Frühwirth, Scapinelli, Gusmini. The new Nursia in Australia. The Abbot, Reverend Father Anselm Catalán, O.S.B., is confirmed, 331. Nullity of the triple sentence is admitted in the Sacred Rota, 239; the fourth, from the Constitution *Sapienti Consilio*, 240. Nyanza, see Victoriae. Objects of piety can be blessed during wartime by priests residing among the soldiers, with the clause "with the consent of the local Ordinary in which the faculty is exercised," dispensed, 66. The octave of the feast of the Holy Apostles Peter and Paul is extended to all those residing in Rome and its district from both the clergy, as a privilege of the third order, 441 sq. Richard O'Halloran, priest of the archdiocese of Westminster, is nominally excommunicated, 437. The metropolitan church of Olinda: the dioceses of Fortaleza and Crato are exempted from the jurisdiction of its metropolitan, 571, see Fortaleza. Real, personal, and fixed burdens, 213, see Media annata. An option, properly so called, consists of the right to acquire a vacant benefice, 103; this right depends on custom, 101; its origin is in the chapters, 102; how it can fall under pontifical reservation of benefices, 103. Private oratories enjoy an indult, see Mass. Ordinary: his consent is not required to bless objects of piety in favor of the military, 66, see Objects.

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[*Latin ed. p. 626*]

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[*Latin ed. p. 627*]

Index analyticus rerum notabilium: Devotion to the title "de la Salette" is not prohibited by a decree of the Holy Office of December 21, 1915. Rectors of parishes or missions in the United States are, by ancient law still in force, removable at the will of the Bishop. "Reddita Nobis," an epistle from Benedict XIV to the Archbishop of Florence concerning parish competitions. Referendaries (College of) are restored to the Papal Signature. The number of Prelates will be indefinite, who, together with the Electors, will be consultants. Kings, with regard to the distribution of Holy Communion. The invocation "Regina pacis, ora pro nobis" may be added at the end of the Litanies of Loreto during wartime, at the discretion of the Ordinaries. The pious invocation "Regina Sacratissimi Rosarii, ora pro nobis" is granted an indulgence of one hundred days. Religious: Those who are forced to interrupt their studies for several months due to illness or military service are not required to repeat the year, and may be dispensed by the Superior General and his Council, provided that the interruption does not last longer than three months, the omitted studies have been completed, a private school has been attended, and examinations demonstrate that the student has learned those disciplines. This examination is required for each omitted discipline, but a general examination at the end of the year is sufficient. The power to grant parishes to secular clergy belongs to the Sacred Congregation of Councils, after obtaining prior permission from the Sacred Congregation of Religious, if the Constitutions prohibit them

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from governing and retaining parishes. Those engaged in commerce or industry contribute their earnings to the Institute, provided that the Superiors have also tacitly approved. How the permission of the Superiors is presumed. The reason why this power is considered to cease. The power to engage in commerce or industry implies the power to acquire the means necessary for this purpose. In economic matters, religious are considered as administrators of the monastery, which is responsible for everything. Their debts, contracted with the tacit approval of the Superiors, are to be paid by the Institute. Their engagement in commerce or industry. Rescripts of the Holy See do not operate to prejudice the rights of third parties. Cardinal Augustinus Richelmy, Archbishop of Turin, along with the bishops of Piedmont, receives a congratulatory letter for the successful celebration of the annual meeting. The works of the Roman Pontiffs in promoting social matters. "Romanos Pontifices," a Constitution of Leo XIII, extended to the Dominion of Canada on March 14, 1911. Cardinal Rinaldus Rousset, Archbishop of Rhegium, along with the other archbishops and bishops of Calabria, receives a letter for the celebration of the annual meeting. Priests attached to the military, chaplains or infirmarians, can celebrate the Holy Sacrifice in any suitable place, even outdoors, provided that there is no danger of irreverence; those who are fighting can celebrate in the same way, only on Sundays and holy days of obligation. Those not attached to the military, provided they are approved by the Ordinary, can absolve soldiers. Sacrament. Laus: Every moment, the Most Holy and Divine Sacrament should be praised and thanked; all other partial indulgences are abolished, and an indulgence of 300 days is granted as often as merited; the plenary indulgence once a month remains for those who recite it throughout the entire month. The Sacrament is validly received when the will to receive it prevails, which at that time destroys any will contrary to the Sacrament. "Sacrosanctae militantis Ecclesiae": A letter from Pope Urban VIII. "Salette" (secret de la): It is prohibited by the Sacred Congregation of the Holy Office to write about this matter.

[*Latin ed. p. 628*]

628 Index analyticus rerum notabilium disserere, et poenis mulctare transgressores, 594, v. Beconciliatrix. Saltsmann Alphonsus, eius opus « Les remèdes divins pour l'âme et le corps » in Indicem refertur, 180. Sanctus Raphael, episcopus Feretranus, epistolam accipit gratulatoriam ob dioecesanam synodum feliciter absolutam, 568. « Sapienti Consilio », Constitutio Pii Pp. X, 240. Sapporo (de) erigitur praefectura apostolica in Iaponia, 114. Satyri (S.), v. Victoris. Scapinelli di Lèguigno Raphael, archiep. tit. Laodicen., S. R. E. card. creatur, 513. Scatti Ioseph, episcopus Savonensis et Naulensis, epistolam accipit ob sollemnia saecularia in honorem Dominae Nostrae a Misericordia, 201. Scholasticae (S.), v. Sublacensis. Schollaert, v. Lovanii. Schulte Carolus Iosephus, episcopus

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[*Latin ed. p. 629*]

629 Index analyticus rerum notabilium. Restitution to wholeness would have to be considered as an extraordinary remedy, to be used whenever the nullity claim or the rescissory action cannot be invoked, 322. Most Holy Trinity, according to canon 14, § 1, of the Proper Law, claims what pertains to pontifical commissions, which are established to judge petitions presented to the Most Holy See, especially in the administration of justice. The power to examine these matters, before the commissions are signed by the Most Holy See, must be restored to the Tribunal of the Signature, unless the Constitution "Sapienti Consilio" has taken it away, 323. The dignity of the Tribunal is increased when it is competent to determine whether it is appropriate to grant the requests of those who petition the Pope concerning the administration of justice, and especially to refer the matter to the Holy Rota, or to some Sacred Congregation, or to the Tribunal of the Signature itself, 323. All of this formerly took place in the Signature of Justice and also sometimes in the Signature of Grace, 323. The Auditor of the Most Holy See used to refer supplicatory briefs to the Signature, for example, concerning the communion of spouses in marriage in the Mass for the blessing of marriages, see Communion. The Stampa (National Opera for the good), its suitability is especially praised for our time, 247. The presidents resign in honor of Cardinal Maffi, the effective Reverend Father Francis Faber, 247; the pontifical decree by which it is founded, 248; its statutes, 248; it is placed under the patronage of St. Francis of Sales, 248. Its purpose is to publish good periodicals and other printed sheets, 248; how it is supported, how it is governed, 248-249; its governing council. The president is appointed by the Holy See at will, 249; ten counselors are appointed by the president after being notified by the Apostolic See; from among the counselors, the vice-presidents, the secretary, and also the treasurer are chosen, 249; a diocesan delegate is elected by the Ordinary; the parish delegates are chosen by the diocesan delegates, 249; according to this law, subsidies must be provided; the method of forming the council of counselors, 249. Statues of the blessed, see Images. Studies of religious, see Religious. He was, as it were, a Secret of the Tribunal, 324. The close connection between the Signature and the Auditor of the Most Holy See is established by the code of civil procedure of Pius VII, in book VI, 324. The Subiaco Abbey, ancient and celebrated, has been subject to both temporal and spiritual authority since the time of St. Gregory the Great, for centuries, 197. The territory annexed to the Apostolic See by the Pontiffs, especially in the eleventh century, is called the Abbey of Nullius, 197; it is highly fitting to restore it, 324; in the past, it was called the Abbey of Nullius, 324. The manner in which these prelates

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[*Latin ed. p. 630*]

630 Index analyticus rerum cum quasi episcopali iurisdictione in territorium separatum illi subiectum, et in ecclesias, clericos et laicos in territorii terminis contentos, 199; idque cum omnibus facultatibus, non excepta illa conferendae confirmationis, 19ng; eidem Abbati iura tribuuntur temporalia in mensam abbatialem quam hucusque Cardinalis Commendatarius habebat, 199. Capitulum S. Andreae, Subiaco, itemque Seminarium Sublacense Abbati subduntur veluti Ordinario proprio, salva manente eorum natura cleri saecularis, 199; ne renoventur contentiones de iuribus inter Capitulum saeculare S. Andreae et monachorum S. Scholasticae, memorantur Litterae Apostolicae Pii IX « Interest Ecclesiae », et decretum S. C. Concilii 26 aprilis 1892; confirmantur titulus, privilegia, honores Cathedralis Abbatiae Nullius Sublacensis Capitulo regulari S. Scholasticae, 199; Capitulo vero cleri saecularis S. Andreae iura, honores, privilegia concathedralis, 200. Constitutioni pontificiae adiiciuntur quaedam Disposizioni complementari de rationibus inter utrumque Capitulum in regimine Abbatiae, 200; haec omnia Episcopus Anagninus ut exsecutioni mandet committuntur, contrariis quibuscumque derogatis, 200. Suburbicariae Sedes: de illis agit Const. Apost. Ex actis tempore qua, firmis manentibus quae statuta fuerant Motu Proprio Edita a Nobis Pii PP. X, de non mutanda sede a Cardinalfbus episcopis, quaedam praescribuntur, 230, i. e. de suffraganeis non necessario eligendis, uti cautum erat Const. Apostolicae Romanorum Pontificum. Ita etiam Cardinales episcopi Suburbicarii eximuntur ab illis quae statuta fuerant circa bona ecclesiastica apud S. C. de Propaganda coniunctim ad-

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[*Latin ed. p. 631*]

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[*Latin ed. p. 661*]

CARDINAL LEWIS BILLOT, S.J., ORATION DELIVERED ON MARCH 11TH IN THE MAIN HALL OF THE APOSTOLIC PALACE, CONCERNING THE FOUNDATION OF THE ACADEMY OF SAINT THOMAS IN ROME. PRINTED BY POLYGLOT PRESS, 1915, VATICAN.

[*Latin ed. p. 663*]

On the 11th of March, I resided in the grand hall of the Apostolic Chancery for the inauguration of the Academy of St. Thomas. Among the many things that move me to reverence for the Angelic Doctor, one thing, most eminent Fathers, and most distinguished listeners, stands out above all others, and which I cannot pass over in silence at the very beginning of my discourse concerning the object and purpose of this most noble assembly. And that is the perpetual, continuous, and repeated, from age to age, up to this very day, singular and outstanding commendation of the Apostolic See. A matter truly worthy of all observation! In the Apostolic See, Popes succeed one another, one after another, differing in origin, in lineage, in culture, in education; yet, in all of them, there is one unchanging sentiment in commending the Angelic Doctor: from John XXII, who elevated Thomas to the highest honors, to the gloriously reigning Benedict XV, who had scarcely taken up the reins of government of the entire Church, he had nothing more important than to testify that, in this matter, he did not at all differ in mind from his predecessors, indeed, not only in words, but also in deeds. Furthermore, if I peruse the ecclesiastical annals, if I examine the papal bulls, if I investigate the sayings, the deeds, the *gesta*, I find no similar example concerning one individual, whether teacher, master, or doctor. This very singularity alone reminds me that the matter is not one that pertains to human judgments, to partisan studies, to school rivalries, to the private opinions or estimations of the Popes themselves, but to the judgment of He who sits, and always sits and presides and lives, divinely established in the chair until the consummation of the ages, He who speaks and teaches, the one and the same: Peter. Peter, I say, devoted to no party, to no faction, to no order, to no school, precisely because, being established at the summit of the apostolate, He far surpasses all.

[*Latin ed. p. 664*]

— 4 — all the contentions and disputes of all parts, orders, and schools: Peter, to whom flesh does not reveal, nor blood, but the Father: Peter, that son of the dove (for this, says Jerome, is what the word "Bar-Ionae" means in our language), and therefore a son of the dove, because the mystical dove, with extended wings, as can be seen in the apse of the Vatican basilica, sits before him, or leans towards his ear, suggesting what is fitting for the

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governance of the universal Church, and especially for the safeguarding of the deposit of faith (which is the greatest of all things): Peter, finally, who, having received the office of feeding the sheep and lambs, received the salutary gift of discerning wholesome pastures and distinguishing them from the unwholesome: Peter is he who receives from Thomas Aquinas that singular commendation. For he is that doctor so highly praised by the Pontiffs, in whom they recognized, striving together, an angel illuminating the Church; a master whose doctrine is true and Catholic, possessing, above all others, except for the canonists, the property of words, the manner of speaking, and the truth of judgments; a leader whom all can follow without the danger of straying, and no one has ever, who was suspected of error, opposed; a most valiant athlete of the Catholic faith, through whose writings, as through an unbreakable shield, the arrows of heretics are weakened; whose strength and truth of doctrine have confounded and dissipated many heresies that have arisen since then, which has appeared often in the past, and clearly recently in the decrees of the sacred Council of Trent; a prince of methodical or scholastic theology, to be compared with the four doctors of the Latin Church who were the first of positive theology; whose dogmas are the safest, and whose name surpasses all praise. These and similar encomiums are given by, among others, John XXII, Innocent VI, Urban V, Pius V, Clement VIII, Paul V, Alexander VII, Clement XII, Benedict XIII, Benedict XIV, from the waning Middle Ages to the very threshold of the modern age. But someone will immediately say: these things certainly pertain to past ages, and therefore, this singular commendation of Aquinas, which was indeed appropriate, and most appropriate, for those times, is now obsolete, antiquated, and out of date; other times are running, other necessities are pressing, other winds are blowing, other adversaries are rising; one must not always use the same methods, the same arts, the same weapons; in the Gospel, a learned man in the kingdom of heaven is said to be like a householder who brings forth from his treasure both old and new, and what do you think, old and new? That is, the best of all kinds of food, of which some are better when they are old, but others are better, and far better, when they are new and fresh (as...

[*Latin ed. p. 665*]

— 5 — As the poet said: "New hymns, old melodies." Finally, it is the judgment of common sense, which must adapt the explanation and defense of the Catholic faith to the progress of the times and sciences, which today are so great that we must truly say that the face of the earth has been completely renewed. And this is most true; I do not deny it, nor do I contradict it. However, I ask only this: Whether that father of a family, that learned scribe in the kingdom of heaven, in other words, that supreme teacher of the faith instituted by God, considering these new conditions of things, and so many and such great changes that have occurred in the world, and consequently

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in the state of Christianity, has appointed a different guide, a different forerunner, a different moderator, and a different leader in the war against the enemies of the faith. This, I say, this is what I ask. But you yourselves, most learned listeners, have answered this question; indeed, facts speak for themselves. No. The modern pontiffs do not recommend a different guide to us, but always the same one: although, and this is a matter worthy of much consideration, undoubtedly guided by the change of times, with a certain distinction: namely, that they now especially commend philosophy in the manner of St. Thomas, and they decree that St. Thomas must be followed in philosophy, which certainly was not done by their predecessors in that form and with such an explicit specification. Here we touch upon a point, listeners, which I know will offend many, whether we call them ideas or prejudices? But what is the use of denying what is manifest? I say again, facts speak, and against facts, as the proverb says, there is no argument. First came Pope Leo XIII, who initiated the restoration of the philosophy of St. Thomas with his most celebrated encyclicals, *Aeterni Patris*. His tireless work in this matter is well known, and it is not necessary to recall it, and the mind is illuminated in these things which he ordered to be added to the Roman breviary in the office of the angelic doctor: where, after praising the abundant and incorrupt doctrine of St. Thomas, as one that wonderfully agrees with revealed truths, and is most suitable for overcoming the errors of all times, the same St. Thomas, declared the heavenly patron of all Catholic schools, is read and instituted to repel the light from so many philosophical systems that have strayed from the truth. Second, followed by Pope St. Pius X in the most solemn act of his pontificate, that is, in the Encyclical *Pascendi Dominici Gregis*, where, enumerating the causes of modernism, and assigning ignorance of scholastic philosophy as neither the least nor the ultimate cause, he prescribes suitable remedies: "What," he says, "we prescribe as that which must be followed, namely, scholastic philosophy, we understand it especially to mean that which is of St. Thomas Aquinas."

[*Latin ed. p. 666*]

— 6 — "It is handed down, and concerning it, whatever our Predecessor has established, we wish that all of it may remain in force, and we restore and confirm its purpose, and we command that it be strictly observed by all... We warn the Masters to properly observe this, to abandon Aquinism, especially in matters of metaphysics, which will be done not without great detriment." And it was not yet enough. He perceived that his ears were somewhat deaf. Therefore, in the Motu Proprio of the Sacred Prelates, he repeated the sentence, adding one word, "To properly observe this, it will be done not without great detriment, especially in matters of metaphysics, to abandon Aquinism, even a little." Even a little, he says, because, as he himself explains immediately, a small error at the beginning leads to a great

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error at the end. This is what Pius said. And in third place, gloriously reigning now is Benedict XV, whom may God long preserve safe and unharmed: Who, in a Motu Proprio dated December 31st, not long after recalling the actions of his two predecessors, and in particular through the letters in which Pius X had professed his great interest in Christian wisdom, in defending against Neorationalism or Modernism, and in following Thomas as a religious leader, adds these words, which should never be neglected: "We, just as our Predecessors, firmly believe that we must work only with that philosophy which is according to Christ, and therefore, the study of that philosophy absolutely requires the principles and reasoning of Aquinism, so that it may be fully explained, as far as is permitted by human reason, and the divinely revealed truth may be completely defended. Therefore, we want this Academy of St. Thomas to be of concern to us, just as it was to them." Indeed, if we seek agreement, we have it. If we hold a firm direction, not wavering, and not ambiguous, we have it. If, persevering always in the same sense, and always with the same judgment of the Apostolic See, it becomes more and more clearly evident to us.

* * *

But I said those words cited from the Pope, which I mentioned last, should never be neglected, and not only for this reason, that they more and more demonstrate the unchanging and firm purpose of requiring the study of philosophy according to the principles of Aquinism, but especially because they reveal, from the very beginning, the highest causes and ends of this matter. "So that it may be fully explained, as far as is permitted by human reason, and the divinely revealed truth may be completely defended." There are two things clearly indicated there. First, the full explanation of revealed truth, as far as it can be achieved. Second, the invincible defense of the same. And concerning both, almost...

[*Latin ed. p. 667*]

— 7 — Innumerable points could be raised. Let us, at least, touch upon a few of the most important. First, I say, is the explanation of revealed truth. Its necessity is so obvious that no one will surely deny it. But what is the role of philosophy in this? Already, I hear some protesting, and they say that this demand implies nothing less than adapting theology to philosophy, that is, the Word of God to the rule of human thought, and, which is the worst of all sacrilege, subjecting the oracles of uncreated Wisdom to the opinions of Aristotle! However, to completely refute this ancient calumny, learned listeners, I believe that even the very beginning from which we have started our discussion, namely, authority, would suffice. For who is it who has said that sound and solid philosophy is necessary and should be promoted in every way, so that the explanation of the truth divinely revealed may be complete, as far as human reason allows? Did I say it? Do we say it? No. It is the one appointed by God, the master of divine revela-

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tion, whose faith, when Christ asks for it, does not fail, nor can it fail, and who, by the same Christ, has the duty of confirming his brothers. He is the one who says it. Therefore, this is enough, and nothing further is required. However, because it is very important that, in addition to the argument from authority, something also be added that is derived from the intrinsic conditions of things, let us consider for a while the principle from which the much-praised and much-repeated reason is so thoroughly reduced to nothing, just as the darkness of a cloud dissipates before the rising sun. This single principle is unique, simple, and clear, and, as it were, exposed to the eyes of all: the truths of the faith were revealed by God, expressed and stated in the idiom or dialect, if I may say so, of our natural concepts. For revelation did not bring us new concepts, it did not provide us with new elementary ideas, it did not offer us intelligible species of a higher order, nor did it raise us to a higher mode of understanding than that with which we are endowed in our present state. Finally, and if anything is ever evident and manifest, it must be said that the revealed doctrine consists of those very notions which we have acquired from elsewhere, from nature, and which, moreover, according to the common laws of logic, are arranged in a subject and predicate connected by a copula. And here, precisely, the modernists stumble, as if against a rock. They want to persuade themselves and others that what the Church proposes as revealed dogmas are not truly truths descended from heaven, but rather, nothing more than conceptions originating from the common foundation of human consciousness, and gradually modified by the common law of evolution. These are certainly weak and flimsy logicians, who do not understand how concepts, taken separately and apart, relate to doctrines, just as the letters of the alphabet relate to

[*Latin ed. p. 668*]

— 8 — words, or even words pertaining to discourse, and how the very same concepts are incorporated into the most diverse doctrines of the most diverse origins, just as the same letters of the alphabet are incorporated into the most diverse words of the most diverse meanings. "Letters," says Augustine aptly, "are repeated in countless words and discourses, not 'increased'; words are infinite, but the letters are finite; no one can number the words, but anyone can the letters, hence the multitude of words." "When a single letter is placed in various places, and is valid according to the place, it does not signify one thing. What are such diverse things as God and the devil? Yet, the letter 'D' is in the word 'God,' and also in the word 'Devil.' Therefore, the letter is valid according to the place." But it is mistaken, and exceedingly absurd, and betrays a childish heart, to fear placing the letter 'D,' for example, in the name of God, lest one seem to do an injury to God. Therefore, let these also beware of a childish heart, and let them transfer the comparison to the matter at hand, so that they may clearly

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see that from us can come words, from us can come elementary concepts and notions, from us can come the structure and mode of expressions, and yet, simultaneously, from heaven, from divine revelation, can come the truths and dogmas which are formed from these concepts, which are signified by these words, which are expressed by this structure of discourse. Indeed, sentences and doctrines never reside in the conceptual elements themselves, but only in the composition in which those elements are associated into judgments, and are formed into propositions. Furthermore, such a composition, in our dogmas, undoubtedly comes from God, is dictated by God, although the concepts, ideas, words, and language which God uses in revealing and dictating, are drawn from the common treasury of concepts, ideas, and words which were and are in our own usage. Therefore, this principle, as I was saying, is simple, clear, evident, and rests on obvious facts, from which it will immediately become apparent that the use of philosophy for the full explanation of the divinely revealed truth is not only legitimate, but also very necessary. From the fact that God has used our concepts, our notions, our words, through which He reveals and expresses His mysteries to us (as, indeed, and to the extent that our human language can grasp, and therefore, in an infinitely extended manner, beyond its own proper mode, yet still, with the preservation of the proportion of analogy, with all truth, unless perhaps someone is so deceived as to deny God the power of expressing the truth of His mysteries in a language, however poor and deficient, which is ours): from this very fact, I say, whatever is done concerning the accurate understanding of these natural things...

[*Latin ed. p. 669*]

An analysis of concepts will also contribute to the exposition and explanation of revealed truth, in much the same way that a vocabulary or lexicon aids in understanding and explaining the author of a text, by clearly, distinctly, and accurately presenting the meanings of the terms he used. And therefore, just as philosophy pertains to classifying, defining, illustrating, purifying, and resolving our natural concepts or ideas or notions into their fundamental elements, so the use of philosophy in theology will be proportionally related to the use of a lexicon in exegesis. And just as an exegete does not adapt his explanation to the lexicon, but rather seeks in the lexicon to gain a deeper understanding of the meaning of his author, and to make it more clear: so too, we do not adapt sacred doctrine to philosophy, but rather we use philosophy to expound, distinctly, orderly, and scientifically, the dogmas revealed to us by God. Pray tell, what can be explained, even to the extent permitted by human reason, about the most sublime mystery of the Trinity, unless the difficult concept of relation, which is conveyed by the very names of the divine persons (Father, Son, Spiritus Sancti), is carefully considered? Unless one penetrates the distinctions by which relation is distinguished from all other categories? Unless, by the

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twofold path of removal and excellence, one ascends from the concept of relation inherent or accidental, which is present in our understanding, to the correct, although purely analogical, concept of subsistent relation? How will you avoid the obvious absurdity, for example, of those who say that the principle of comparative identity (that which is the same to one thing is the same to another) is nothing more than an empirical principle, true in created things, but false in divine things: once this is accepted, what remains but to openly and without ambiguity proclaim that in God there is an identity of contradictories? And what will you say about the mystery of the Incarnation, if you do not draw from the lexicon of philosophy the accurately defined notions of nature and person, so closely connected with the most fundamental and highest principles of ontology? Otherwise, you will utter words devoid of all meaning, or perhaps you will stray into the delirium of modernists, who, replacing the notion of person with a psychological phenomenon, wish to make the hypostatic union consist in some unknown mental state, or, more truly, in madness, by which Christ would have begun to acquire consciousness of his identity with God? And again, the explanation of the mystery of the Eucharist, always preserving the inscrutability of such a profound secret, how long will it remain incomplete, unless you have fully grasped that distinction which even the very words of consecration reveal, between accident and substance, indeed, between dimensional quantity and other categories of accidents? How long will you fail to understand that even the body is substance?

[*Latin ed. p. 670*]

— 10 — whether it exists outside of the entire genus of extension and continuity, and whether it is visible to the corporal eye, or subject to any sense, or even to imagination, but only to intellect? As long as you do not know what a place is, what presence in a place is, and how, besides the quantitative or local mode of being present in a place, there are other modes that lead us to consider this marvelous presence of one individual and the multiplied body of Christ in all the altars of the world? I could produce countless examples, always converging on the same point, that is, on the purpose of declaring how the use of philosophy in theology has a certain proportion, just as the use of vocabulary has in the interpretation and explanation of authors: for, indeed, philosophy is to elucidate those natural concepts which are the elements of the revealed Word itself, to rectify them, to purify them, and above all, to distinguish in them the formal reason, which must always be retained, from the mode in which this reason is found verified in creatures, lest that mode be attributed to God, when in God there is another mode, surpassing, and utterly ineffable to us, leaving no room for univocity, but only for proportionality by analogy. But, from this, it will immediately become clear how important it is to use philosophy, just as in the previously presented analogy, we use vocabulary.

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Certainly, there are certain philosophies that can serve no purpose other than to corrupt, indeed, to utterly ruin dogma, not to mention contributing to its explanation. Hence, Pius X wrote in the encyclical *Pascendi*: "From the union of false philosophy with faith, that system ' (namely, that of the modernists), abounding in so many errors, ' arose." And the Apostle warns us: "Beware lest any man cheat you by philosophy and vain deceit: according to the tradition of men according to the elements of the world and not according to Christ." Therefore, not all philosophies are of the same kind, but some are like the idols of Egypt, which the people of an Israel were to detest and flee from completely, while others are like ornaments and vessels of silver and gold, which the same people, when leaving Egypt, claimed for themselves, rather than for God, as being of better use, as Augustine most elegantly recounts in his books on Christian doctrine. And the reason for this is again clear and evident, that not all philosophies truly claim the name of philosophy for themselves. Indeed, many contain only the dictates of deluded reason, to which the name and the reason of sophistry rather than philosophy apply. But in the explanation of the divinely revealed truth, only the

[*Latin ed. p. 671*]

— 11 — Certo, philosophia potest esse, vel potius, locum habet, ut glossarium, quod emanat ex puro fonte naturalis luminis, cum Deus ipse sit, non alius, qui est auctor revelationis, et qui lumen intelligentiae in animo humano infusit. Haec, puto, manifesta sunt per se. Tamen, mihi datur audire alium dicentem: "Verum est, et pulchrum quidem, sed quis mihi ostendet philosophiam veram, genuinam, et sinceram?" Si ad discipulos loquor, quorum est conveniens quod Chrysostomus ponit in ore pagani sui temporis, qui volens fieri Christianus, impediebatur multiplicitate sectarum tunc florentium. "Volo fieri Christianus," dicebat ille, "sed nescio cui adhaeream. Multi sunt apud vos pugnae, seditiones, et tumultus. Quod dogma eligam? Quid praeferam? Singuli dicunt: ego veritatem dico. Cui credam, qui nihil Scripturarum sciam?... Discipulus esse volo, tu vero me iam doctorem facis." Et simili quoque modo, te fortasse senties impeditum in eligenda unam philosophiam ex multis, sed sine causa. Nequaquam; non ego te iam doctorem facio. Discipulus esse vis, discipulus esto, sed memento quod addiscentem oportet per prius credere, quia in omni disciplina, cuiuscumque generis vel nominis, fides est via ad agnitionem. Porro, habes tu in hac re, cui credas, et tuto credas. Magister illesa Deo constitutus tibi dicit, philosophiam illam veram quae est secundum Christum, esse eam quae ad principia et rationem Aquinatis exigitur. Fidenter itaque ingredere viam, et post superatas primas difficultates (utique, sicut ipsa rei natura fert, nec leves nec paucas), forte et tu dices idem quod olim Samaritani ad Samaritanam: "And they said to the woman: We now believe, not for

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thy saying: for we ourselves have heard him and know that this is indeed the Saviour of the world." * * * Quidquid autem hactus dixi, auditores, de explicatione traditae divinitus veritatis ope illius philosophiae quae sit secundum Christum, ad eiusdem invictam defensionem eodem plane iure applicantur. Idem enim profecto est, dogmata fidei recte, rite, apte explicare, et ea ad mentem Ecclesiae exponere. Idem quoque, genuina naturalis rationis pronuntiata per philosophiam assequi, et eadem a falsis opinionum commentis iudicare. Atqui in his duobus praecise reponitur fidei nostrae defensio, dicente Vaticano quod inanis species contradictionis fidem.

[*Latin ed. p. 672*]

The disagreement, and indeed the discord, arises principally from this, that either the dogmas of the faith, understood and explained according to the mind of the Church, are not accepted, or that commentaries on opinions are held to be the foundation of reason. And this, indeed, cannot be pursued further at present. However, lest I seem to offer a remedy without at least one example, and that example drawn from that very heresy of the present day, which is truly called not so much a heresy as the fountainhead of all heresies, I shall illustrate this matter briefly before bringing my discourse to a close. We have already heard Pope Pius X declare that it is of the greatest importance for Christian wisdom to defend itself against Modernism by following Thomas. Truly, most distinguished listeners, is this so? I truly believe that little persuasion will be needed for you to be convinced. Certainly, you know well what the foundation of Modernism is. You know that it is the entire doctrine which is commonly called agnosticism: a reason by which human reason is entirely confined to phenomena, that is, to things as they appear, and which has neither the right nor the power to determine the limits of those things; therefore, it cannot even rise up to God, nor acknowledge His existence, even through those things that are seen. Everywhere around us, it surrounds us, it oppresses us, it terrifies us, that formidable unknown hidden beneath phenomena, of which no one knows what it is, nor can know: matter, spirit, or neither the one nor the other? Evil, or good? Endowed with intelligence and freedom, or a blind and inexorable abyss, a monstrous, immense, prodigious thing? It is useless: no one knows, no one will ever know. Once this is established, it becomes clear that the message of revelation, understood in a Catholic sense, which, as they say, having been received as the word of God speaking to us, and therefore known by us, should take precedence; and that nothing remains except to accept revelation or faith as some kind of religious feeling, arising from the depths of the individual himself, which, spurred by a lack of the divine and the encounter with the unknowable, always progresses further, evolving fantastically through times and ages according to the contingency of events and phenomena. Therefore, it is clear that the Christian religion,

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indeed all religion, will vanish into smoke, and will be utterly destroyed down to its very foundations. For the foundation of Modernism is agnosticism, with the monstrous system built upon it. Now, if we wish to explore the causes of this deadly agnosticism, its origins, its genesis, what shall we find, listeners, except full confirmation of the words of the most wise Pope, saying that the study of philosophy absolutely requires the principles and reason of Aquinas, so that not only a complete explanation, but also an invincible defense of the divinely revealed truth may be given.

[*Latin ed. p. 673*]

— 13 — of truth? There is no example, as far as I know, more relevant or more fitting. Having abandoned the paths and principles of traditional wisdom, most notably those illuminated by the Angelic Doctor, philosophers have turned to all sorts of philosophies. And in these philosophies, they have not failed to discover the superficiality, the inadequacy, to say nothing of the utter emptiness of the arguments used to demonstrate the foundations of faith, and above all, the very existence of God. But this existence of God, if it does not first become clear to us through the light of natural reason, immediately leads to a necessary, fatal, and precipitous descent into blind and absurd fideism: for all faith, in order to be rational, essentially presupposes a certain prior knowledge of the existence and authority of that to whom one believes. Therefore, these individuals, deceived by these empty philosophies, have proclaimed the absolute unknowability of the existence of God, and, clearly perceiving the absurdity of the credulity that would be required of them, namely, to believe in something about which it is not even possible to know whether it exists, they have utterly and forever rejected theological faith, and have substituted for it another faith, which they call, quite equivocally, rationalistic, which at least allows for the preservation of man's autonomy, and complete independence, as if it were the highest deity. Moreover, driven to despair by the emptiness of these same philosophies, they have fallen into such a profound darkness and obscurity that they consider the very existence of this external world, attested to by the senses, to be unknowable, and in doing so, they have, as far as it is in their power, deprived themselves of every means of return, and of every possibility of ever knowing the truth. A heinous crime, and a consequence that can never be sufficiently lamented, resulting from the abandonment, from the very beginning, of sound and solid philosophy! But it is not necessary to dwell only on these extreme cases. There are also other philosophies that are not entirely divorced from ancient wisdom, but which nevertheless have certain principles, and I scarcely dare to say what one might fear from their logical consequences. For example, if those who reduce the constitution of the entire being to univocity are telling the truth, if it is truly the case that every being, insofar as it is being, is, by its very identity, that which it is and by which it is, if this world is, with

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all that it contains, its own being, its own act of being, its own actuality of being: what, then, some might ask, and not without at least a semblance of sound reasoning, is the need for creation? Would not this world exist from itself, by itself, through the power of its own essence? And what of the pantheists, who posit a single universal being, which, through its own evolution, becomes all things? Indeed, there were times, listeners, in which true Christian faith had taken such deep roots in the minds of men, that they would utterly reject any logical consequences that might be contrary to it. This resulted in them retaining the very same faith, entire and inviolate, together with philosophies that were objectively and in truth

[*Latin ed. p. 674*]

— 14 — were not according to Christ: with what happy, indeed, naiveté, and with what greater carelessness! But those times are no longer, and the logic descends implacably and inexorably to the depths, dragging us down with it! Therefore, more than ever, the apostle's warning urges us: "See that no one seduces you by philosophy and empty deceit, according to tradition, but not according to Christ"; more than ever, there is need for the study of philosophy, rigorously demanding the principles and reason of Aquinas. But it is said with deliberation: the principles and reason of Aquinas, because one can, in appearance, hold to the ways of Aquinas, and not hold to the principles and reason of Aquinas: the same terms, but not the same meaning, although philosophy consists not in words, but in meanings. Therefore, the study of philosophy, demanding the principles and reason of Aquinas, which is commended to us in the Motu proprio not long ago, should not be understood as merely preserving the words, and nothing more. Moreover, one should abhor what some say, that Aquinas admits of diverse interpretations, even contradictory and irreconcilable, even in those very highest principles, such as those concerning potency and act, which govern the entire philosophy, and contain the very essence and, as it were, the marrow and blood of the entire doctrine: imagining Aquinas himself as a sphinx proposing enigmas, or giving ambiguous answers, like that of the ancient Sibyl: "I say to you, O Æacidus, that you can conquer the Romans": which could be understood to mean that you can conquer the Romans, or that you can conquer Æacidus! No, may it be far from us. For, besides the fact that nothing could more completely obscure the very essence of truth in that doctor, who excels all others in the clarity of his language and the lucidity of his exposition, no greater injury could be done to the Church itself, which, in commending Aquinas' philosophy so singularly, would waste its oil and labor, and lead us to contend about words, when the apostle says that this is of no use, but only serves to confuse the minds of those who hear. But one thing is ambiguity, another is difficulty, or the loftiness of concepts: how high is the truth, how elevated above the images of the senses and the idols of the imagination!

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Therefore, act now, most learned listeners. Behold, through the beneficence of the Best of Popes, Benedict XV, the revived academy of St. Thomas [whose second parent and patron, after Leo, is now deservedly the same], guided by the same solicitude as his predecessor: namely, in this time...

[*Latin ed. p. 675*]

— 15 — Disturbed by our own machinations and the cunning of false wisdom, and beset by so many and such dangers of seduction, you who strengthen yourselves in the hope of the Church, first of all, be firm in yourselves, established, and steadfast in faith, unmovable in hope of the Gospel (Colossians, I, 23) – for Scripture says, "He who is unto himself is not good, to whom shall the good be? And he who wavers in himself, to whom shall be the cause of firmness?" – and then, consequently, instructed by a rich accumulation of years for the sake of acting bravely and wisely for the cause of religion, be always ready, according to the apostolic admonitions, to give an account to everyone who demands it of the hope that is in us, and to be exhorted in sound doctrine, and to refute those who contradict. To achieve this end, the readings, discussions, and other exercises of this academy will be of no small benefit, with the help of outstanding teachers who will graciously dedicate their efforts to this endeavor, under the guidance and direction of the Most Eminent Prefect of the Sacred Studies, of philosophy which is according to Christ, as the entire Catholic world knows, so well deserved; and to whose prudent foresight is also due the restoration that we are now celebrating. This is your work, Most Reverend Eminence, this undertaking, this task, which, since the assumption of your prefecture, has been proposed and which today has been brought to a happy conclusion, and indeed in such a way that it is quite to be hoped that abundant fruits will result therefrom, with the favor of God, our Lord, and with the help of the Most Holy Virgin and the Angelic Doctor, for the salvation of souls, the destruction of errors, and the growth of Catholic doctrine.

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